

SECTION 3

COMMENTS RECEIVED ON THE RTP PEIR



HOMEOWNERS OF ENCINO
GERALD A. SILVER, PRESIDENT
P. O. BOX 260205
ENCINO, CA 91426-0205
(818) 990-2757

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SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

2004 REGIONAL TRANSPORTATION PLAN (RTP)

RESPONSE TO

DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

CASE NO. SCH #2003061075

DECEMBER 18, 2003

COMMENTS ON THE DRAFT PROGRAM ENVIRONMENTAL IMPACT REPORT (PEIR)

(CEQA, SEC. 21000 et. seq. and GUIDELINES SEC. 15087)

RESPONSE to the Draft Program Environmental Impact Report (PEIR) for a project known as:

2004 REGIONAL TRANSPORTATION PLAN

The project will be located in:

Orange, Imperial, Los Angeles, Riverside, San Bernardino and Ventura Counties

The project applicant is:

SOUTHERN CALIFORNIA ASSOCIATION OF GOVERNMENTS (SCAG)

The proposed project affects transportation, earth, air, water, plant life, population, energy, utilities, land use, and other environmental elements in Encino, (and surrounding area). This document contains our response to the scope and content of the draft environmental information that is germane to your environmental evaluation of this project.

I. HOMEOWNERS OF ENCINO, INC.

This Response is filed by the Homeowners of Encino, a Californian non-profit corporation duly organized and existing under the laws of the State of California. Homeowners of Encino is a public benefit association organized for the purpose of promoting social welfare. This corporation seeks to protect the residential character of its neighborhoods and to enhance the quality of life for its members and the

community. Many of its members reside within the neighborhood of the proposed project, and will be heavily impacted by it.

II. DESCRIPTION OF PROJECT

The SCAG 2004 RTP is a \$21 billion highway and arterial improvement project, relying upon operational, management and preservation strategies; land-use integration with transportation investments; and strategic system expansion investments.

The transportation plan involves developing a multi-modal transportation system. The Draft 2004 RTP proposes additional funds for infrastructure preservation.

In addition to preserving the system, the RTP proposes making physical improvements (e.g., auxiliary lanes that extend the merging range) and technology deployments (e.g., advanced ramp metering). The Plan proposes an increase of \$1.3 billion for operational strategies for the State Highway System through 2030.

The 2004 RTP contains approximately \$21 billion in highway and arterial improvement projects in addition to already committed or programmed projects. This includes capital improvements proposed on the highway and arterial network including mixed-flow lanes, high-occupancy vehicle (HOV) lanes, interchanges, truck climbing lanes, and grade crossings.

The Plan proposes a number of high occupancy toll (HOT) lane facilities, including a capacity enhancement parallel to SR-91 to address east-west congestion in the Riverside County area, including additional capacity in this corridor. These corridor improvements are primarily anticipated to be implemented with user-fee backed funding mechanisms.

The Strategic Arterial Improvement program involves a combination of widening, signal prioritization and other Intelligent Transportation Systems (ITS) and grade separation at high-volume intersections. In addition to the specific arterial improvements identified under the Smart Street Improvement Program, this Plan proposes a significant increase in funding for arterial improvements and capacity enhancements.

The Plan involves expanding the public transportation system including a significant increase in service availability, major expansion in the use of bus rapid transit (BRT) and some re-structuring of services to ensure efficient utilization of available capacity.

The Plan includes expansion of the Metrolink system consisting of 53 stations, with one in San Diego County, carrying over 31,000 passenger trips and operates 137 train trips per day. The \$1.1 billion long-range capital improvement plan will double the Metrolink system's passenger carrying capacity. The long-range capital plan includes selective double-tracking on critical route segments, switching and signal improvements, communication system improvements, new stations and enhancements to existing stations.

The RTP calls for increased transit and land-use planning, involving the development of a long-term strategy for integrating the planning of commercial, residential and

recreational land uses with the transportation system as well as increasing land-use intensities in areas with transit services. This integration would maximize the use of the region's transit system resulting in increased ridership.

The RTP calls for the local and regional transit and planning agencies to promote transit-oriented developments (TOD) along the major transit corridors, promoting pedestrian-friendly environments and transit use with improved transit accessibility, compact land patterns, pedestrian environments, and reduced auto use.

A network of transit-based centers and corridors is proposed with in-fill development, maximizing the use of existing infrastructure and supporting transit ridership. New transit centers and park-and-ride facilities will be constructed in areas that provide access to the freeway HOV network, transit corridors and express buses. Existing transit centers can be upgraded for multi-modal uses that support restructured transit services.

The regional transportation system will be expanded to accommodate between 70 percent to 216 percent more truck trips by. The regional rail capacity improvement program would be financed with a revenue stream raised on corridor traffic hauled by the Union Pacific and Burlington Northern Santa Fe Railroads.

The proposed capacity improvements would include a total investment of \$3.4 billion in Southern California: \$1.2 billion for railroad infrastructure projects and approximately \$2.2 billion in grade separation projects.

The RTP proposes an Intra-Regional High Speed Rail System, using magnetic levitation (Maglev) technology that would connect Los Angeles, Riverside, San Bernardino and Orange Counties.

III. IMPACTS THAT HAVE NOT BEEN FULLY ASSESSED

We believe that the proposed project will have significant impacts on the environment that have not been fully addressed in the draft Program Environmental Impact Report (PEIR). It will have a significant impact on air quality, water, natural resources, population, noise, geology, energy, and population growth.

Your PEIR is a poorly worded, descriptive statement of what is intended to be done, without an adequate description of how the negative impacts are to be mitigated. Your PEIR is grossly lacking in a delineated response on how all of the negative impacts are to be addressed. The PEIR does not meet the minimal criteria for an environmental impact report, as set out in CEQA Sec. 21000 et. seq. and Guidelines Sec. 15087. (1)

The Lead Agency must take into consideration the effects of this and other projects which, will have individually limited, but cumulatively considerable impact on the environment. This has not been done. With the effects of past, current and probably future projects mandatory findings of significance must be found. (Guidelines Sec. 15065) Throughout your draft PEIR you lack "mitigations" that are required by law or official regulations.

In preparing your final PEIR, you must recognize that any mitigations that you propose must go beyond those mandated by law or existing policy and practice. Your ✓

final PEIR must include an extensive list of mitigations that show how each negative impact will be reduced to a minimum.

You must include verifiable mitigations in the final PEIR, not merely a recital of legal requirements or standard operating practices. We ask that you revise your Draft and address the following environmental concerns that we believe have been overlooked or inadequately dealt with in your draft PEIR:

①

IV. IMPACTS ON EARTH

This enormous road building and transportation expansion project will result in disruptions, displacements, compaction and overcovering of soil. The final PEIR should specify what grading will be done, and provide a time line indicating the starting and ending dates of all grading and construction activities. Haul routes should be described, and mitigation proposed for dealing with the traffic congestion created by the hauling of large amounts of soil on city streets to dumpsites. The information presented in the final PEIR should be sufficient to allow for a clear understanding of the geologic hazards and the PEIR impacts. The final PEIR should present a comprehensive summary of known geologic and seismic hazards near the site. These should be clearly identified to ensure that the proposed enormous road building and transportation expansion plan evaluates and mitigates the problems.

②

The final PEIR should include maps that show areas of unsuitable fill soils, potentially unstable slopes, areas of differential settlement, areas of expansive soils, and the potential zone of inundation from flooding, due to a 100 year flood. The final PEIR should present a summary of seismic information on ground acceleration and the duration of strong shaking that could be expected from large earthquakes on nearby faults. Impacts of seismic shaking on existing freeways in the area, and on stability of slopes and fills, should be addressed.

V. AIR IMPACTS

The draft PEIR did not adequately consider the air impacts. An enormous road building and transportation expansion project of this magnitude will have a deteriorating effect on air quality in the region, which is located in a locality which does not meet Federal and State air quality standards. The construction of the project will generate Carbon Monoxide, Nitrous Oxide, Ozone and particulate matter, making it more difficult to attain the required air standards in the basin.

③

Please identify in the final PEIR the specific increases of air pollutants generated by constructing this project, and the cumulative impacts on the air quality in the region.

It is irresponsible to assume that adding more cars, trucks, vehicles and expanding the roadway system will reduce air pollution. Research shows that adding vehicles to a region only adds to the air pollution problem. SCAG must rethink its view on this issue and modify the PEIR accordingly.

Your assessment should show how this project, when taken together with all other proposed projects in the area will impact air quality. It should show threshold levels of significance for each type of air emission. The City of Los Angeles and the EPA have entered into a Consent Decree regarding growth within the Hyperion Service Area.

They have agreed that growth within the area will not result in air emission increases, nor impede the region's progress toward National Ambient Air Quality Standards (NAAQS) attainment. Your final PEIR should show that all impacts have been reduced to insignificance, in order to comply with the City of Los Angeles and EPA agreement. Anything short of this is a breach of the terms of the Federal consent decree, and actionable, with the possibility of substantial fines being imposed against the City.

Also address the air impacts at both the local level, and within the region. Explain how these impacts will be fully mitigated. Specifically, quantify all related vehicular air emissions, and include the factors, formulas and computations used to arrive at these impacts, and their mitigations. Provide an appendix with all necessary and supporting documentation, including the paper trail that will allow concerned citizens, or decision makers to trace your steps, and your conclusions with regard to air impacts. ③

Please explain in the final PEIR what effects diesel fumes, gasoline powered equipment fumes and construction odors will have upon those with respiratory problems, or the aged living nearby. Also discuss the impact on local flora and fauna, giving specific effects upon plant and animal life, as a result of the additional air degradation that may be caused by the project. The EPA has stressed the importance of secondary air impact analysis. The final PEIR should assess the secondary air impacts that will result from this project and please provide adequate mitigations for these air impacts.

VI. WATER IMPACTS

The Los Angeles basin is located in a permanent drought area. The direct water impacts from this enormous road building and transportation expansion project have not been fully addressed. Identify source of water, how it will be used in the project, and how the removal of water from the aquifer will be replaced. Fully explain the quantitative impacts on the local and regional water supply, as a result of this project. Estimate water consumption both during and after construction. Provide a detailed list of mitigations to reduce the consumption of water to insignificance. ④

The City of Los Angeles has enacted ordinances which mandate many water saving and conservation measures. These items must be considered baseline, and do not qualify as mitigation measures, since they are already the law. Your final PEIR should impose more extensive measures to deal with the water consumption issue. Please also provide mitigations for dealing with secondary water impacts. The growth sustained by an enormous road building and transportation expansion project of this magnitude will consume large amounts of fresh water which are in short supply in the region. Also please detail the amount of water necessary for control of dust as well as the cumulative amount of water needed by this project during the construction phase.

If reclaimed sewage water is to be used for dust control on the road building, the effects of misting and air borne transfer of viruses should be analyzed and reported. Include the factors, formulas and computations used to arrive at these impacts, and their mitigations. Provide an appendix with all necessary and supporting documentation, including the paper trail that will allow concerned citizens, or decision makers to trace your steps, and your conclusions with regard to water impacts. ⑤

VII. IMPACT UPON ANIMAL AND PLANT LIFE

An enormous road building and transportation expansion project of this scope will have a detrimental effect upon the flora and fauna in the region. The region is a natural habitat for birds and other animals. It will not be possible to construct the enormous road building and transportation expansion project, without a serious impact on the local biota. Provide a detailed assessment of impacts on both plant and animal life as a result of the project. Also provide detailed mitigations to reduce these potential impacts to insignificance.

(b)

VIII. NOISE IMPACTS

A substantial amount of noise will be generated by the proposed project during construction. The movement of heavy vehicles, trucks, compressors and construction equipment will create severe noise problems. Show how it will be possible to construct this enormous road building and transportation expansion project, including removal of many cubic yards of soil without creating severe noise impacts. Noise must be reduced to insignificance.

This enormous road building and transportation expansion project will add miles of freeway lanes that will generate a huge increase in the ambient noise levels at nearby homes and businesses. Fully explain how this will be mitigated to insignificance. The use of sound walls reflect freeway noise from one neighborhood to another, without fully mitigating the number of people impacted.

(1)

The final PEIR should explain the effects of noise levels on local residents and construction workers, during construction, and the impact on the emotional and physiological well being of people living near the freeways and expanded transportation corridors.

Please explain in detail the effects of specific pieces of construction equipment, the noise levels, dBA, frequency and duration of sound that people will be exposed to. Also explain the impact of sustained noise upon the aged or those who are ill and may reside near the construction site. The final PEIR should provide mitigation measures that will reduce the noise created by this enormous road building and transportation expansion project to insignificance.

IX. LIGHT AND GLARE IMPACTS

Light and glare was not adequately assessed in the draft PEIR. Residents living near the construction sites will be subjected to light and glare. Many miles of freeway are located directly adjacent to the region's freeway network. The applicant must be required to illuminate the freeways without casting light and glare on nearby buildings. Buildings located adjacent to the project will be directly impacted. The light and glare that will spill onto nearby buildings must be mitigated in the final PEIR. The construction project will result in altered shade and shadow conditions that should also be mitigated to insignificance in the final PEIR.

(8)

X. CHANGES IN POPULATION

Changes in population will occur if this project is approved. It will alter the distribution, density and growth rate in the region. Providing more transportation infrastructure will lead toward more jobs and employment and thus more structures in this region. This enormous road building and transportation expansion project will make it more difficult to achieve a balance between the environment and the population. It will cause greater population density in a regional already without adequate infrastructure.

(9)

In your final PEIR, please show how the project adheres to the job/housing balance. Provide a detailed assessment of the growth and job impacts. What kinds and types of jobs will be created, as a result of this project. Analyze the effects on unemployment on individuals with various jobs skills. Also explore what housing is available to accommodate any increase in direct and indirect employment, due to transportation improvements. How does this project conform to the Regional Housing Needs Assessment? Provide a detailed list of mitigation measures to deal with any job/housing imbalance created by the project.

XI. HOUSING IMPACTS

The project will raise land prices, and drive out affordable housing or small business near this enormous road building and transportation expansion project. The final PEIR should mitigate the number of low- to moderate housing units that will be lost due to the project. The final PEIR should explain how the loss of affordable housing stock will be replenished. It should also show the impact on nearby small retail and consumer serving shops and businesses.

(10)

XII. TRAFFIC AND CIRCULATION

In the long run, transportation and traffic circulation will be negatively impacted by the proposed project. There are many of E and F level intersections in the region. The construction of this project and removal of large amount of soil over city streets will impede traffic and circulation and make gridlock worse. The final PEIR should explain how the E and F level, gridlocked intersections in the region will be mitigated to insignificance.

In particular the PEIR must adequately address the issue of "latent demand." For every space opened up on the freeway, a new driver waits in line to fill the space. While some short-term benefits may be realized, how will the PEIR address the long-term latent demand impacts of traffic?

(11)

Because of the project's magnitude and the substantial construction required, the proposed project will generate significant traffic congestion problems. Traffic congestion resulting from the expansion of freeways and access roads, lane closures, detours, slow moving construction vehicles and equipment, project personnel commutes, etc. significantly increase traffic and mobile-source air emissions. Please provide detailed maps in the final PEIR which will show how the project will mitigate traffic in the area, including the number of lanes of traffic that will be lost due to the movement of heavy equipment to and from the site during construction.

Since this enormous freeway and road building project has corridor level transportation impacts, what are the long-term impacts? Estimate the number of trips generated, and provide documentation on the assumptions. How will the project affect public transportation in the region, and locally? What will the long-term impact be on nearby freeways and will it encourage the need to double deck freeways, bringing with it more noise, congestion, parking lots and air pollution. This project will have a mutual impact on other projects in the area. Explain in the final PEIR the interactive impacts on the existing circulation system, on ATSAC, and the secondary highways.

11

The final PEIR should deal with the phasing issue comprehensively. What will be the incremental impacts on traffic this phased project how will the infrastructure. Include the factors, formulas and computations used to arrive at these impacts, and their mitigations. Provide an appendix with all necessary and supporting documentation, including the paper trail that will allow concerned citizens, or decision makers to trace your steps, and your conclusions with regard to traffic impacts.

XIII. PUBLIC SERVICE IMPACTS

The final PEIR should fully address impact on public services. California Highway Patrol, Police and fire services are inadequate to meet the present community needs in many areas. This project will generate additional demands that these systems that they cannot handle. The final PEIR should show how the applicant intends to mitigate the drain on local public services. It should present a detailed explanation of the degraded response times for highway patrol, police, fire and paramedic services. It should present specific mitigations and funding mechanism that show how the applicant will offset the deteriorated public service response capability.

12

Your final PEIR should thoroughly cover the adequacy of fire-flow requirements for the necessary level of protection, response distance from existing fire stations, etc in the dense new transportation corridors that are proposed. The quantity of water necessary for fire protection varies with the type of structure, life hazard, occupancy, and the degree of fire hazard. Show what improvements will be needed to provide the adequate G.P.M. for fire-flow.

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The final PEIR should contain a thorough analysis of this topic, in consultation with the Water Services Section of the Department of Water and Power. It should also show how the G.P.M. requirements for the first-due Engine Company will be met, and the distance of the first-due truck company. You will also need to show different ingress/egress roads that will accommodate major fire apparatus, and provide for major evacuation during emergency situations, both on and off of the freeways. Include off-site and on-site location of fire hydrants, fire lane widths, and how the project will affect staffing for existing facilities, or the location of present fire protection facilities.

The final PEIR should also analyze police services and crime rates throughout the region, and the impact of this massive freeway and road building project will have on these rates. Include average response times, and show the number of officers deployed in the area, and the impact on current levels of staffing. Show how parking areas will be controlled, use of closed circuit television, and how elevators, lobbies and parking areas will be illuminated near the transportation stations to prevent an increase in crime which could result from this project. In particular include data on

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burglary from autos, auto theft and assaults near the expanded freeway and roadway system.

(14)

XIV. IMPACT ON ENERGY AND UTILITIES

Utilities will be impacted by this massive freeway and road building project. The lead agency is, or should be, aware of the limits on solid waste disposal. Large amount of soil will have to be trucked to a dumpsite as the freeway expansion proceeds, making landfill disposal problems worse. The final PEIR should quantify the impact that this project will have on the capacity and exhaustion of local landfills, both during and after construction. Specifically how many cubic yards of soil will be trucked to landfills, and how much solid waste will be exported, and to which sites? Show haul routes and the time of day when city streets will be used for this purpose. How much electrical energy will be needed to operate the project, once it is in operation. Will backup energy sources be used?

(15)

(16)

What will be the impact on the sewage system. Show the volume of sewage produced in the regional due to the added transportation infrastructure, and how it will impact the Hyperion, Los Angeles-Glendale and Tillman plants. Show which sewage lines will need to be upsized, which streets will be affected, and for how long a period. The final PEIR should analyze the availability of hydraulic capacity for the anticipated flow in the local and interceptor sewers serving the proposed project areas. The quantity and quality of wastewater to be discharged to the sewer system should be thoroughly analyzed.

(17)

The City of Los Angeles has enacted ordinances that are designed to reduce the volume of water introduced into the sewage system. These measures must be considered baseline, and do not qualify as mitigation measures, since they are already the law. Your final PEIR should impose extensive measures to deal with the sewage flow issue. Include the factors, formulas and computations used to arrive at these impacts, and their mitigations. Provide an appendix with all necessary and supporting documentation, including the paper trail that will allow concerned citizens, or decision makers to trace your steps, and your conclusions with regard to energy, sewage and utility impacts.

XV. AESTHETIC IMPACTS

This massive freeway and road building project will result in aesthetically offensive sites to public view. Some residents living near the freeway and roadway system presently, have an open view of the skyline. Their view will be blocked by the structures that will be built. Mitigation should be proposed for this problem. The project will be out of scale in relation to the other buildings nearby. This is especially true of any double-decked sections of freeway. Explain how this project will impact the ambiance and habitability of the adjacent communities. What impact will this massive freeway and road building project have on the other business establishments, access to businesses and the present viewscape? What impact will it have on the marketability of homes nearby?

(18)

XVI. GROWTH INDUCING IMPACTS

The final PEIR should discuss properly the growth inducing impacts of this massive freeway and road building project and the environmental effects, and must be adequate under CEQA, Pub. Res. Code, Sec. 21000 et seq. Please include a detailed forecast of growth for each phase of the project, as phased. What will be the cumulative impacts of growth in the region? How is this related to the Growth Management Plan forecast, at the expected date of project or phase completion? In *Laurel Heights Improvement Assoc. of San Francisco, Inc. v. Regents of the University of California* (88 Daily Journal D.A.R.15037), the California Supreme Courts laid down clear guidelines and requirements for the preparation of an environmental document. (A)

Specifically the Supreme Court stated that "a final EIR must include an analysis of the environmental effects of future expansion or other actions if: (1) it is a reasonably foreseeable consequence of the initial project; and (2) the future expansion or action will be significant in that it will likely change the scope or nature of the initial project or its environmental effects." Please be sure the final PEIR properly addresses and mitigates growth inducing impacts which will have individually limited, but cumulatively considerable impact. A final PEIR must be prepared which gives thoughtful discussion to dealing with short-term versus long term effects.

XVII. NO PROJECT ALTERNATIVE

The importance of alternatives in the EIR process is clearly established in law. CEQA Sec. 21081 requires a finding of infeasibility for each environmentally superior project alternative in the EIR prior to approval of any project which will result in insignificant adverse environmental effects. It will be essential that the final PEIR make a full assessment of the impacts of alternatives, including a thorough discussion of a No Project alternative. (*Citizens of Goleta Valley*, 89 Daily Journal D.A.R. 11920) The No Project alternative is especially important since the project is located in the center of a polluted ecosystem with degraded air, water and earth. This alternative should consider not constructing the project, or shifting it elsewhere and thus reducing the demands on the infrastructure. (20)

The lead agency is required to make a finding, supported by substantial evidence that the "no project" alternative is infeasible. You should be aware of this requirement in the preparation of the final PEIR. Pub. Res. Code Seqs. 21002 and 21002.1(b) affirmatively mandate that public agencies take concrete actions to protect the environment "whenever it is feasible to do so." This substantive duty is enforced through the findings requirements of Seq. 21081 and Guidelines Sec.15091. These sections require a public agency to make detailed findings regarding the feasibility of all environmentally superior alternatives or additional mitigation measures available prior to approving any project which may cause significant impacts on the environment. See *Village Laguna of Laguna Beach, Inc. v. Board of Supervisors* (1982) 134 Cal.App.3d 1022, 1034-1035, 185 Cal.Rptr. 41.

Where the project, as approved, will result in significant environmental impacts, the agency must make the finding, pursuant to Seq. 21081(c) [Guidelines Sec. 15091(a)(3)] that each environmentally superior alternative to the project proposed in the EIR but rejected by the agency is "infeasible" for specific economic, social,

technical or other reasons. Village Laguna, 134 Cal.App.3d 1022, 1034. The findings must also expressly identify the "specific economic, social or other considerations" relied upon by the agency in determining that the alternative is infeasible. Id. at 1034-1036.

Each finding must also be supported by substantial evidence in the record. Sec. 21081.5; Guidelines Sec. 15091(b). An agency's failure to make the required findings for any major project alternative invalidates any subsequent project approval. Village Laguna, 134 Cal.App.3d at 1034-1035; San Bernardino Valley Audubon Soc. v. County of San Bernardino, 155 Cal.App.3d 738, 752-753; Resource Defense Fund v. LAFCO (1987) 87 Daily Journal D.A.R. 2105, 2108.

XVIII. REQUIREMENTS REGARDING PUBLIC NOTICE AND INPUT

Your draft PEIR should be sent to all organizations and individuals who have previously requested such notice and shall also be given by at least one of the following procedures (Guidelines, Sec. 15087): (1) Publication at least one time by the public agency in a newspaper of general circulation in the area affected by the proposed project. (2) Posting of notice by the public agency on and off the site in the area where the project is to be located. (3) Direct mailing to owners of property contiguous to the parcel or parcels on which the project is located ... The alternatives for providing notice specified in subsection (a) shall not preclude a public agency from providing additional notice by other means ... (emphasis added)

We ask that you provide notice by using all three of the above, in notifying the public, regarding this massive, growth inducing project. In particular you are hereby requested to notify by U.S. mail, all parties located within one mile of all affected freeways. Your method of using a minimal notice in the Los Angeles Times on December 18, 2003, or a difficult to maneuver web site is grossly inadequate, considering the massive expansion of the freeway, arterial and roadway system proposed in the RTP. Exclusive use of your web site to disseminate the draft PEIR is discriminatory to residents that do not have access to computers.

We also request that you extend the period for public review to a full 90 days, as permitted under the Guidelines, Sec. 15087 (c). This will encourage greater public participation, and is strongly advised by CEQA. We also ask that you hold multiple public hearings on the RTP, including several additional hearings in the San Fernando Valley. Multiple hearings should also be held in the San Fernando Valley on the adequacy of the PEIR. Guidelines, Sec. 15087 (g) states: Public hearings may be conducted on the environmental documents, either in separate proceedings or in conjunction with other proceedings of the public agency. Public hearings are encouraged as an element of the CEQA process.

These requirements must be interpreted broadly, consistent with the principle that "CEQA must be interpreted in such manner as to afford the fullest possible protection to the environment within their reasonable scope of the statutory language," (Friends of Mammoth v. Board of Supervisors, 8 Cal.3d 247, 259).

In light of these statutory requirements, we ask that you make a substantially greater effort to involve the public, community groups and interested citizens in this phase of the CEQA process, and in evaluating the final PEIR you will be preparing.

It is shameful that SCAG has not made a greater effort to contact more bonafide community groups, homeowners and resident associations, interested citizens, and local community associations including a substantial representation of locally impacted residents and homeowners. It is also regrettable that SCAG did not make available the RTP until hours before a public workshop, and failed to make available hard copies of the Appendix. These documents require careful scrutiny by the public and elected officials. The failure to make hard copies widely available make a mockery of the CEQA process.

(21)

XIX. PUBLIC CONTROVERSY SURROUNDING PROJECT

There has been much public controversy surrounding this project, especially regarding expansion of the Ventura/Hollywood Freeway. Community organizations have held meetings objecting to freeway widening, double-decking or adding traffic lanes, express lanes, or rail either in the right-of-way, or by adding right-of-way. Numerous articles have appeared in print in which community members have voiced opposition to the massive expansion of the freeway system.

(22)

The draft PEIR is silent on this controversy. The public outcry against the project and the local concern expressed about its environmental impacts were not reported in the draft PEIR. The final PEIR should include copies of all letters, written comments, and objections raised by the public, community groups and elected officials to the size and scope of the project, which led up to the PEIR.

XX. NO STATEMENT OF OVERRIDING CONSIDERATIONS SHOULD BE ISSUED BY THE LEAD AGENCY

We ask that the lead agency prepare a final PEIR that interprets CEQA to afford the fullest possible protection for the environment within the reasonable scope of the statutory language. (Friends of Mammoth v. Board of Supervisors (1972) 8 Cal.3d. 247) We request the lead agency require additional changes and alterations in the project to avoid and substantially lessen the significant impacts that have been reported in the Draft PEIR, satisfying the requirements of CEQA Section 21001.

(23)

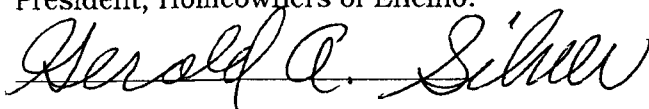
After certifying the PEIR, we ask the lead agency not issue a statement of Overriding Considerations, as a means to justify this massive project with its inherent negative environmental impacts.

XXI.

We appreciate your allowing us the opportunity to comment on the draft PEIR. We look forward to receiving a detailed and comprehensive final PEIR, fully in compliance with CEQA, State and local Guidelines.

Executed at Encino, California on January 15, 2004

by Gerald A. Silver,
President, Homeowners of Encino.





SAN GORGONIO CHAPTER

Rec'd 1-20-04

E-04-0002

4079 Mission Inn Avenue, Riverside, CA 92501 (909) 684-6203
Membership/Outings (909) 686-6112 Fax (909) 684-6172

*Regional Groups Serving Riverside and San Bernardino Counties: Big Bear,
Los Serranos, Mojave, Moreno Valley, Mountains, Tahquitz.*

Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, California 90017-3435
Attn: Bernice Villanueva

Dear Ms. Villanueva:

Re: Draft 2004 Regional Transportation Plan Program Environmental Impact Report (EIR) SCH
#2003061075

The Sierra Club appreciates the opportunity to raise a few questions and concerns.

Explain how the preferred alternative was selected when your mission statement says it will "improve the environment."

Is there any place where this project will not improve all aspects of the environment that it affects? If so, please explain what, where and how this is possible in light of your mission statement.

Why aren't the Casa Loma and Form Road Faults in Moreno Valley listed and mapped?

Where are your Dam Inundations maps?

Which roads/railways restrict water flow? What are the impacts?

Which roads/railways restrict animal corridors? Where are the existing animal corridors/linkages that could be affected and the mitigation measures at each location?

What impacts will tunneling have on the water resources of Box Springs Mountain?

Will the road between Moreno Valley and Highway 10 result in the now separate communities growing together? Is this a positive change?

The Northern San Jacinto Valley has significant subsidence. Why isn't that mapped as such?

The EIR will be inadequate unless the noise impacts of both highways and rails are clearly mapped and indicated as well as the mitigation measures.

Will any mitigation measures for noise restrict animal movement?

What threatened or endangered plants will be impacted? Where and how? What are the mitigation measures?

What wetland (water) resources will be affected? How? What mitigation?

(12)

What threatened or endangered species will be impacted?

(13)

You mention movement of "goods" and this means diesel. What is the impact of 2.5 pm and 10 pm particulate pollution in all areas of the plan?

(14)

Where are all sensitive receptors to diesel pollution, like schools, hospitals, rest homes, etc., in relation to these new roads and truck routes? The EIR will be inadequate unless these locations are shown on a map. What are the mitigations?

(15)

The Sierra Club applauds efforts that result in fewer trucks/cars on the road. What additional measures could be taken and included in each and every alternative to accomplish this?

(16)

What are the top ten measures other entities use to move goods/people without the smog of cars/trucks? Why haven't we used these? Please explain each.

(17)

The EIR will be inadequate without the full growth and cumulative impacts explained, which they are not in the Draft EIR.

(18)

The lack of technical appendices at all libraries requires recirculation for these comments.

(19)

Please send me notices of all future meetings and documents at the address listed below. Thank you.
Sincerely,



George Hague
Conservation Chair
Moreno Valley Group of the Sierra Club
26711 Ironwood Avenue
Moreno Valley, California 92555-1906
Phone: 909-924-0816
Fax: 909-924-4185

E-04-0004

From: "Valentin Alexeeff" <Valexeeff@co.santa-barbara.ca.us>
To: <pfeffer@scag.ca.gov>
Date: Fri, Jan 16, 2004 2:36 PM
Subject: Draft PEIR comment

Thank you for your notification regarding the SCAG Draft Program Environmental Impact Report for the 1004 Regional Transportation Plan. Our comment is directed toward transit:

The commute between Ventura County and Santa Barbara County is steadily increasing. The primary route is Interstate 101 which is increasing in congestion. Alternatives are being considered and prominent among them is the extension of rail via the Metrolink commuter trains which terminate at Montalvo. We hope you will include extension of the commuter line to Santa Barbara or a shuttle between Santa Barbara and Moorepark in your planning. Thank you.

Valentin Alexeeff, Director
Planning and Development Department
Santa Barbara County
805-568-2085

CC: "Dianne Meester" <Dianne@co.santa-barbara.ca.us>, "Lisa Plowman"
<Lplowman@co.santa-barbara.ca.us>

DEPARTMENT OF TRANSPORTATION
DIVISION OF AERONAUTICS – M.S.#40
1120 N STREET
P. O. BOX 942873
SACRAMENTO, CA 94273-0001
PHONE (916) 654-4959
FAX (916) 653-9531
TTY (916) 651-6827

Rec'd 1/26/04
E-04-0005



Flex your power!
Be energy efficient!

January 22, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017-3435

Dear Ms. Pfeffer:

Re: *Southern California Association of Governments (SCAG) Regional Transportation Plan
Program Environmental Impact Report (PEIR)*
SCH# 2003061075

Thank you for continuing to include the California Department of Transportation (Department), Division of Aeronautics, in the environmental review process for the above-referenced project. We have reviewed the Program Environmental Impact Report, dated December 2003, and offer the following comments relative to the environmental management of aviation-related activities included in the plan.

1. The proposed project is the adoption of the 2004 Regional Transportation Plan (RTP). The 2004 RTP is a long-range regional transportation plan that provides a blueprint to help achieve a coordinated and balanced regional transportation system. Transportation projects in the SCAG region must be consistent with the RTP in order to receive federal funds. The RTP includes a policy element that includes goals, policies, and performance indicators and an action element that identifies projects, programs, and implementation. In addition, the RTP includes a description of regional growth trends to help identify future needs for travel and goods movement. The focus of the environmental analysis in the PEIR is on the potential regional-scale and cumulative impacts of the implementation of the plan and its alternatives. ①
2. Cumulative impacts refer to two or more individual effects which, when considered together, are considerable or which compound or increase other environmental impacts. The individual effects may be changes resulting from a single project or a number of separate projects. The cumulative impact from several projects is the change in the environment, which results from the incremental impact of the project when added to other closely related past, present, and reasonably foreseeable probable future projects. Significant cumulative impacts can result from individually minor, but collectively significant projects delivered over a period of time. Therefore, the discussions of ②

cumulative impacts in a Regional Transportation Plan is key to the later focused environmental analyses of the projects included in the plan. (2)

3. The issue about cumulative impacts is noteworthy for the discussion of the air quality impacts related to aviation-related activities in the RTP and its PEIR. On Page 3.4-41, the PEIR explains that "to evaluate the effects of both the preferred and constrained aviation plans on air quality, emission inventories of VOC, NOX, CO, SOX, and PM were prepared using the U.S. Environmental Protection Agency-approved Emission and Dispersion Modeling System (EDMS), Version 4.11. The EDMS is a computer model specifically developed by the Federal Aviation Administration to assess [air quality impacts of] aircraft activity at airports. The EDMS database contains aircraft-specific data of operating times for the approach, takeoff, and climb out aircraft modes. For the aircraft modes of taxi-in / taxi-out and delay, data is developed on an airport specific basis. Climb out emissions are included in the model up to an elevation of 3,000 feet." On Page 3.4-44, the PEIR concludes that "after the implementation of all feasible mitigation measures, activities related to aviation sources in the 2004 RTP Preferred Aviation Plan would most likely exceed current conditions for regional ROG, NOX, CO, SOX, and PM10. Therefore, aviation-related emissions from the 2004 RTP would have a significant and unavoidable impact on regional air quality." Therefore, we recommend that this methodology and the conclusions be carefully reviewed by the Federal Aviation Administration, California Air Resources Board, and all airport authorities covered by SCAG's sphere of influence. The Federal Aviation Administration's Air Quality Handbook should be used as a technical resource in this review. The Handbook is published on-line at <http://www.aee.faa.gov/emissions/local/AQ-hndbk/AQ-hndbk1.htm>. If the conclusions in the PEIR regarding significant and unavoidable (Class I) air quality impacts are accurate, then, in future environmental analyses for airport projects, emissions associated with many airport expansion projects may need to be considered as a cumulatively significant impact unless a *de minimis* finding can be made. (3)

4. The Department recognizes airports as multimodal transportation centers, and we are dedicated to making transit a viable option for improving mobility across California. Please be advised that the Government Code Section 65081.1 requires regional transportation agencies to give the highest priority to public transportation when programming projects for airport access. The RTP and PEIR should explain how SCAG's programming criteria will satisfy this legislative requirement. This requirement and its successful implementation can also help alleviate some of the air quality issues related to airports. (4)

These comments reflect the areas of concern to the Department's Division of Aeronautics with respect to the environmental management of the aviation-related activities proposed in the RTP. We also advise you to contact our district offices concerning surface transportation issues.

Ms. Nancy Pfeffer
January 22, 2004
Page 3

Thank you for the opportunity to review and comment on this environmental document. If you have any questions, please call me at (916) 654-5253.

Sincerely,



DAVID COHEN
Associate Environmental Planner

c: State Clearinghouse
Los Angeles International Airport
Burbank Airport
John Wayne Airport
Long Beach Airport
Ontario Airport
Palm Springs Airport
Palmdale Regional Airport
San Bernardino International Airport
Southern California Logistics Airport



Public Works / Engineering

Rec'd 1/29/04

E-04-0006

City of Tustin

January 27, 2004

300 Centennial Way
Tustin, CA 92780-3715
(714) 573-3150
FAX (714) 734-8991

Ms. Nancy Pfeffer
Southern California Association
of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

**SUBJECT: Comments on the Draft Environmental Impact Report (DEIR) for the
2004 Regional Transportation Plan (RTP) (P.W. File No. 2020)**

Dear Ms. Pfeffer:

The City of Tustin Engineering Division has completed review of the Draft Environmental Impact Report (DEIR) for the 2004 Regional Transportation Plan (RTP) prepared for the Southern California Association of Governments (SCAG). The following comments summarize our review:

1. Please provide confirmation that the City of Tustin's compliance with the Orange County Congestion Management Program (CMP) program, regarding approval of transportation improvements, development projects, etc. also represents substantial conformity with the 2004 RTP. | ①
2. It would appear that local transportation improvement projects that are in conformance with the Capital Improvement Program (CIP) for Orange County are also incorporated in the RTP. Therefore, it is also assumed that the improvement project would be in compliance with Federal air quality mandates. | ②
3. Given the inclusion of local General Plans in the RTP analysis, it is presumed that development projects that do not require General Plan Amendments would meet SCAG desired RTP goals. | ③

Thank you for the opportunity to review and comment on these materials. Please contact Doug Anderson, of my staff at (714) 573-3172, if you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "Dana R. Kasdan".

Dana R. Kasdan
Engineering Services Manager

C: Tim D. Serlet
Elizabeth A. Binsack
Scott Reekstin
Doug Anderson
Steve Sasaki

City of Seal Beach



CITY HALL 211 EIGHTH STREET
SEAL BEACH, CALIFORNIA 92676
(949) 431-2527 • www.ci.seal-beach.ca.us

January 26, 2004

Rec'd 1/30/04
5-04-0007

Nancy Pfeffer
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

Dear Ms. Pfeffer:

SUBJECT: **CITY OF SEAL BEACH COMMENTS ON
"DESTINATION 2030 – DRAFT 2004 REGIONAL
TRANSPORTATION PLAN PROGRAM
ENVIRONMENTAL IMPACT REPORT"**

The City of Seal Beach has reviewed the Executive Summary of "Destination 2030 – Draft 2004 Regional Transportation Plan Program Environmental Impact Report ("2004 RTP PEIR"), and has several comments and concerns relating to the subject document. This document provides a clear and concise overview of the potential environmental impacts of the proposed 2004 RTP.

The Draft Program EIR evaluates the 2004 RTP and the regional impacts associated with the proposed major public infrastructure and transportation demand management projects and programs for the time frame of this plan, 2002 to 2030. The identified environmental impacts are not project specific, but evaluate the impacts on various areas of concern on the program level of evaluation. As our staff has reviewed the proposed "mitigation measures", they appear to be reasonable and appropriate to respond to the identified impacts that this "program" level of analysis.

As discussed above, the major impacts identified are due to the increases in population and jobs, and the resulting allocation of land to accommodate those projected uses over the project time period. The identified impacts are adequately outlined and appropriate mitigation measures have been set forth.

Page 3.1-4. A review of the "active duty military facilities in the SCAG region" does not include the Los Alamitos Joint Forces Training Base. This facility should be included.

Mitigation Measures 3.1-3c, 3.1-3d, and 3.2-1a. (Page 3.1-16) The City supports proposed Mitigation Measures 3.1-3c, 3.1-3d, and 3.2-1a regarding working with member cities and counties regarding the long-term General Plan consistency issues set forth in the Draft PEIR. It is extremely important for SCAG to develop a transparent and accountable consensus building process regarding this issue. However, the implementation of these mitigation measures at the local level will be a long and difficult process for those agencies that are responsible for preparing and implementing their local "General Plan" and implementing ordinances. Many of the goals will be seen as counter-productive in the many communities in the region that are mature, urban, and built-out, and that would be hesitant to take on increasing population densities and the suggested urban in-fill programs. The issue of acceptable growth patterns in the region, and particularly at the local city and county level is an area of extreme sensitivity to the local residents of those particular communities.

③

Table 3.4-3, Criteria Pollutant Emissions by Nonattainment Area – Plan Emissions in 2030 Compared to Current Conditions (Emissions in 2000) (in Tons per Day). This table indicates substantial improvements in the levels of criteria pollutants will be achieved if the programs and activities of the 2004 RTP are fully implemented. The City of Seal Beach clearly recognizes those substantial air quality benefits.

④

Impact 3.4-2: Long-term (Operational) Localized Impacts – Freeway operations under the Plan would be likely to exceed the locally acceptable cancer risk level of 1 in one million. (Page 3.4-33) The City is very concerned regarding cancer risk assessment and cancer risk levels adjacent to freeways. In the case of Seal Beach, there is a heightened level of concern, since the Leisure World community comprises approximately 8,300 residents, with approximately 90% being over the age of 65. It is a concern to the City as to how the levels of cancer risk being discussed could impact this population group, particularly those individuals with respiratory or other related health concerns. Any projects along the I-405 corridor adjacent to the Leisure World community should contain a very detailed cancer risk assessment directly evaluating the specific ages groups that reside within Leisure World.

⑤

Impact 3.4-5: Cumulative air quality impacts – Under the Plan criteria pollutant emissions would be less than the applicable emission budgets. (Page 3.4-37). The proposed funding strategies include measures that have been, and will continue to be, controversial throughout the region and statewide. SCAG will need to allocate significant resources and work closely with the Governor, state legislators, other Council of Governments, and interested agencies as it pursues the recommended legislative agenda regarding:

⑥

- ☐ Allowing 55% voter approval for imposition of additional local transportation taxes;
- ☐ Increase of 10 cents in motor vehicle fuel tax levels by 2015.



The issue of adequate funding levels is of particular importance at this time given the position of the Governor regarding the state budget and the reduction of transportation projects already funded. The impacts of those budget decisions at the State level, and the resulting impacts to the ability to comply with the State Implementation Plan and the federal air quality conformity requirements, need to be clearly expressed by all interested parties.

⑥

Impact 3.4-6: Airport Emissions –Increased air traffic would increase emissions from aircraft and ground support equipment (GSE). (Page 3.4-41 through 3.4-44). The City of Seal Beach supports the efforts of SCAG to support efforts of the California Air Resources Board to continue to propose concepts to the federal government for consideration to achieve emission reductions such as more stringent engine emissions, retrofit controls, cleaner fuel, etc.

⑦

Section 4.0, Alternatives, Introduction (Page 4-1). This section discusses the various growth vision alternatives considered in formulating the 2004 RTP and indicates that the proposed plan utilizes in-fill and transit-oriented development at levels greater than the General Plans of the various city and county agencies that comprise the region.

These stated foundations for development of the growth vision are commendable. However, the implementation of these goals at the local level will be a long and difficult process for those agencies that are responsible for preparing and implementing their local "General Plan" and implementing ordinances. Many of the goals will be seen as counter-productive in the many communities in the region that are mature, urban, and built-out, and that would be hesitant to take on increasing population densities and the suggested urban in-fill programs.

⑧

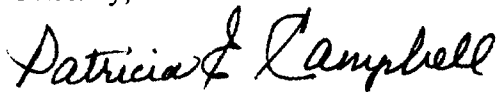
After 2010, the 2004 RTP assumes an increase in and shifts of growth patterns different from locally adopted plans. SCAG proposes to work with local jurisdictions between now and 2010 to modify their land uses for consistency with the Draft 2004 RTP, with a transition period of several years after 2010. The City of Seal Beach appreciates SCAG staff's willingness to work with the Orange County Council of Governments, the Center for Demographic Research, and OCTA to ensure that the growth assumptions for Orange County population, households and employment in the 2004 Draft RTP are consistent with the locally approved growth forecasts. However, as the future regional transportation plans are adopted, this issue will become more significant, and potentially more contentious. SCAG will be required to spend a considerable effort in achieving consensus of the many local jurisdictions in such a regionally significant change in land use and growth patterns over those envisioned by the local planning agencies within the region.

Tables 4-7 through 4-12. These tables present the criteria pollutant emissions for each of the alternatives evaluated in the Draft PEIR document. It would extremely helpful to reviewers of the Final PEIR to provide to provide an 11" x 17" summary table of all of the projected emission levels in one convenient table. This would allow for a much clearer understanding of the air quality improvements that are projected for each of the analyzed alternatives.

⑨

Thank you for your consideration of the comments of the City of Seal Beach. Please do not hesitate to contact Mr. Lee Whittenberg, Director of Development Services, City Hall, 211 Eighth Street, Seal Beach, 90740, telephone (562) 431-2527, extension 313 if you have any questions regarding this matter. In addition, please provide four (4) copies of the final "Program Environmental Impact Report" to Mr. Whittenberg for distribution to the appropriate Commissions and the City Council when it is available.

Sincerely,



Patricia E. Campbell
Mayor, City of Seal Beach

Distribution:

Seal Beach City Council
Seal Beach Environmental Quality Control Board

Seal Beach Planning Commission

City Manager

Director of Development Services

Orange County Council of Governments
Orange County Transportation Authority
Center for Demographic Research

Rec'd 2/2/04
E-04-0008
CMS # 536

State of California - The Resources Agency

ARNOLD SCHWARZENEGGER, Governor

**DEPARTMENT OF FISH AND GAME**

<http://www.dfg.ca.gov>
4949 Viewridge Avenue
San Diego, CA 92123
(858) 467-4201

February 2, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments (SCAG)
818 West 7th Street, 12th Floor
Los Angeles, California 90017

**Draft Program Environmental Impact Report (DPEIR) for the 2004 Regional
Transportation Plan (RTP or the Plan) for Ventura, Los Angeles, Orange,
San Bernardino, Riverside, and Imperial Counties, California (SCH #2003061075)**

Dear Ms Pfeffer:

The South Coast Region of the Department of Fish and Game (Department) appreciates the opportunity to comment on the above-referenced project relative to impacts to biological resources. The South Coast Region includes the coastal counties from San Diego to Santa Barbara. The Department is both a Trustee Agency and a Responsible Agency pursuant to the California Environmental Quality Act (CEQA), Sections 15386 and 15381 respectively. As a Trustee Agency, the Department must be consulted by the Lead Agency during the preparation and public review for project-specific CEQA documents. As a Trustee Agency, the Department reviews proposed projects, comments on their impacts, and determines whether the mitigation measures or alternatives proposed are feasible and appropriate. Pursuant to the California Endangered Species Act (CESA) and Section 1802 of the Fish and Game Code, the Department is responsible for the conservation, protection, and management of fish, wildlife, native plants (including rare, threatened, and endangered species), and habitat necessary for biologically sustainable populations of those species. The Department also administers the Natural Community Conservation Planning Program (NCCP). We offer the following comments on the DPEIR.

The 2004 RTP addresses the transportation needs of the six-county, 38,000 square mile SCAG region through 2030 and provides regional-scale strategies addressing RTP land use and growth patterns as well as general guidelines for projects to be conducted under the Plan. The Plan is being developed as part of a process known as Planning for Integrated Land Use and Transportation (PILUT), which is intended to integrate transportation needs, land use, and the environment. The Plan is to be updated every three years. Major transportation projects receiving State or Federal funding must be consistent with the provisions of the most current version of the Plan.

Nancy Pfeffer

February 2, 2004

Page 2

According to CEQA Guideline 15168, a Program EIR is an EIR that may be prepared on a series of actions that can be characterized as one large project. The actions are related as logical parts in a chain of contemplated actions with rules, regulations, plans, or other general criteria to govern the conduct of the continuing program. Program EIRS provide the advantage of allowing consideration of large-scale and cumulative impacts. When used with subsequent EIRS and Negative Declarations, the Program EIR can be used to simplify and guide the preparation of environmental documents regarding individual projects within the program. As the final PEIR for the RTP will not contain a level of analytic detail regarding the specific effects of individual projects on wildlife corridors, sensitive species, and other resources, subsequent environmental review will be required for future projects within the Plan. Individual projects must adhere to the guidelines and mitigation measures established in the PEIR.

The DPEIR fulfills the requirements of a Program EIR by identifying the potentially significant environmental impacts of implementing the projects, programs, and policies of the RTP and informing decision-makers and the public of these potential impacts. The DPEIR describes the existing regional environmental setting, considers three land use-level alternatives to the proposed action (the Plan), analyses and describes the potentially significant impacts of the Plan and its alternatives, and identifies the environmentally superior alternative, areas of controversy, general mitigation measures, and expected levels of significance of the impacts after mitigation.

The Department commented on the Notice of Preparation (NOP) of the DPEIR in a letter dated July 14, 2003. We recommended that the DPEIR include an analysis of the effect that the project or any alternative might have on the implementation of regional and/or subregional conservation plans under the NCCP program. Impact 3.7-8 of the DPEIR states that implementation of the Plan would not conflict with any provisions of an adopted Habitat Conservation Plan (HCP) or NCCP. Specifically, the DPEIR states that the extension of SR-241 will be accounted for under the Southern Orange County NCCP (not yet adopted) and that the impacts will not be significant. The Department does not concur with this conclusion. The SR-241 southern extension includes numerous alignments, some of which could have significant impacts on the NCCP Reserve Plan. These impacts will be analyzed in the Orange County Transportation Corridor Agency's EIR/Environmental Impact Statement, which has not yet been released for public review. ①

Ventura, Los Angeles, San Bernardino, and Imperial Counties have not yet completed regional habitat conservation plans. However, the final PEIR should analyze the potential effects that projects conducted as part of the RTP might have on future regional planning efforts in these counties, particularly impacts to major wildlife corridors. We recommend a study conducted by the California Wilderness Coalition as a source of information and data on essential wildlife corridors that link core areas of habitat in these counties. The report, "Missing Linkages, Restoring Connectivity to the California Landscape", may be accessed on the Coalition's webpage at <http://www.calwild.org/resources/pubs/linkages>. ②

Mitigation Measure 3.7-2c of the DPEIR requires that wildlife movement studies be conducted during planning for each individual transportation project included in the 2004 RTP. These studies are intended to provide information on the best locations for placement of wildlife crossings or access as well as fencing to reduce road-related wildlife injury and mortality. We ③

Nancy Pfeffer

February 2, 2004

Page 3

offer the following recommendations regarding the required studies, based on guidelines provided to the Department by the U.S. Geological Survey in a letter dated August 12, 2002.

Wildlife movement studies should be conducted by qualified biologists with expertise in this type of data collection.

The studies should be conducted for at least a one to two year period prior to project initiation to account for species that have large territories but occur in low numbers, species with seasonal variation in movement patterns, and rare or uncommon species. (3)

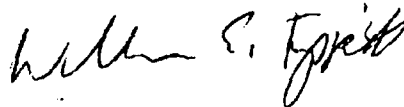
A variety of methodologies should be used to assess wildlife movement, which may include track, scat, camera, and road kill surveys. Telemetry, while costly, provides the most accurate movement data for large mammals, and should be considered for certain projects.

Monitoring of undercrossings should continue for at least one year after construction is terminated, as some species, such as mule deer, are reluctant to use these structures for up to eight months after installation.

The Department recommends that if retrofitting of existing transportation structures is to occur under the plan, that SCAG consider rehabilitating existing wildlife movement structures or adding new ones where needed. (4)

Thank you for this opportunity to comment on the DPEIR. The Department will review and comment on individual projects under the 2004 RTP as the environmental analyses are completed pursuant to CEQA. Questions regarding this letter and further coordination on these issues should be directed to Meredith Osborne at (858) 636-3163.

Sincerely,



William E. Tippetts
Deputy Regional Manager
California Department of Fish & Game

cc: Department of Fish and Game
File, Region 5, San Diego Office
Leslie McNair, Region 6
State Clearinghouse
Sacramento

mao/mao



CITY OF CHINO HILLS

2001 GRAND AVENUE
CHINO HILLS, CALIFORNIA 91709-4869
(909) 364-2600 • (909) 364-2695 FAX

City Council:

Ed M. Graham
W.C. "Bill" Kruger
Gary G. Larson
Gwenn E. Norton-Perry
James S. Thalman

Rec'd 2/4/04 (FAX)
E-04-0009

February 4, 2004

Ms. Bernice Villaneuva
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Subject: Draft Program Environmental Impact Report (EIR) for 2004 Regional Transportation Plan

Dear Ms. Villaneuva:

① The City of Chino Hills has reviewed the draft Program EIR for the 2004 Regional Transportation Plan (RTP). The City previously commented on the draft 2004 Regional Transportation Plan. Attached is a copy of the comment letter dated January 9, 2004. In that letter, the City of Chino Hills was concerned that the improvements for the SR-71/SR-91 interchange and the mixed flow lanes are proposed for 2030, which is too far out (26 years) into the future. Currently, there is already significant traffic congestion on the SR-71 between Euclid Avenue/Butterfield Ranch Road in Chino Hills (San Bernardino County) and the SR-91 Freeway (Riverside County). Based on the information that we received from Caltrans District 8 at their January 14, 2004, public meeting on the widening of SR-71, the proposed mixed flow lanes are planned for the Year 2008. The City of Chino Hills is requesting that the improvement to the SR-71/SR-91 interchange and the mixed flow lanes be constructed and open to the public as early as 2008 to accommodate the growth that is occurring in the City and the surrounding communities.

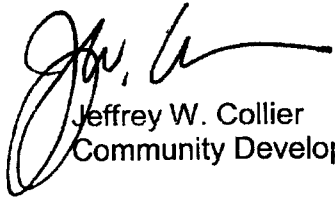
② The City of Chino Hills is also concerned that the portion of the SR-71 Freeway between Euclid Avenue and SR-91 is not planned to have an HOV lane connection. The SR-71 currently serves as a major connector to other freeways in the four-county area -- Los Angeles, Orange, Riverside, and San Bernardino counties. It will continue to serve as a major connector in the future as growth occurs in the surrounding area. The City of Chino Hills recommends that Southern California Association of Governments (SCAG) incorporate the HOV lane connection on SR-71 in the RTP.

③ The City of Chino Hills is requesting that SCAG reevaluate the Plan and included the above projects and assessed the Plan impacts and mitigations accordingly.

Ms. Bernice Villaneuva
Draft Program EIR for 2004 Regional Transportation Plan
February 4, 2004
Page 2 of 2

I appreciate the opportunity to comment on the draft Program EIR for the 2004 RTP. I look forward to hearing from you regarding SCAG's response to our comments. If you have any questions, please do not hesitate to call Zai Abu Bakar, Senior Planner at (909) 364-2756 or me at (909) 364-2741.

Sincerely,
COMMUNITY DEVELOPMENT DEPARTMENT



Jeffrey W. Collier
Community Development Director

cc: Douglas N. La Belle, City Manager
Garry Cohoe, City Engineer
Winston Ward, Assistant Community Development Director
Jeff Adams, City Planner
Zai Abu Bakar, Senior Planner
Ty Schuiling, Director, Planning and Programming, San Bernardino Associated Governments

**City of
Santa Clarita**

23920 Valencia Blvd.
Suite 300
Santa Clarita
California 91355-2196
Website: www.santa-clarita.com

Phone
(661) 259-2489
Fax
(661) 259-8125



*Rec'd 2/2/04
E-04-0010*

January 29, 2004

Nancy Pfeffer
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Re: City of Santa Clarita Response to the SCAG Draft 2004 Regional
Transportation Plan (RTP) and Draft Program EIR

Dear Ms. Pfeffer:

Thank you for the opportunity to review and respond to the Draft 2004 Regional Transportation Plan (RTP) and the Program Environmental Impact Report (PEIR) for the RTP, prepared by the Southern California Association of Governments (SCAG). As you know, the City of Santa Clarita has actively participated in the socioeconomic trend projection process, representing the City at the Forecasting Technical Task Force (FTTF) and Plans and Programs Technical Advisory Committee (P&P TAC) meetings, providing a comprehensive response in November 2002 to SCAG's request for local input, attending agency and public meetings throughout the region regarding the proposed growth scenarios, and regularly communicating with SCAG staff and elected officials serving on SCAG committees. Throughout this process, the City has coordinated closely with other North County staff and community leaders from the cities of Palmdale and Lancaster, as well as Los Angeles County. The City's comments regarding the growth projections, transportation investments and air quality are provided below.

Growth Visioning Plan Alternative Projections

Since Fall 2002, the City of Santa Clarita has raised a number of issues and concerns relating to the growth projection development process and the characteristics and impacts of the proposed growth alternatives. The preferred growth alternative, the Growth Visioning Plan Alternative, is generally consistent with the population, household and employment projections submitted by the City of Santa Clarita as part of SCAG's Local Input process in Fall 2002. City staff projects that the Santa Clarita population will increase to 181,092 persons by 2010, and by an additional 45,190 persons in 2030 for a total of 226,282 persons. SCAG's Growth Visioning Plan Alternative increases both the 2010 and 2030 population figures by 10,508 persons and 24,979 persons, respectively, over the City's projected totals. Despite this gap in population counts, the City and SCAG



PRINTED ON RECYCLED PAPER

projections for households and employment are generally consistent for both 2010 and 2030.

The City requests that SCAG continue to consider both the quantitative data and qualitative information provided by the City so that regional distribution and transportation investments are in line with local infrastructure capacity and land use characteristics.

Santa Clarita Valley Transportation Improvements

The City urges the inclusion of HOV lanes on the I-5 from SR-14 to SR-126 in the 2004 Regional Transportation Plan 2030 HOV System. The City also requests that SCAG include the RTP Truck Climbing Lanes on the I-15 from the SR-14 to Calgrove Blvd. The City, as a member of the North County Transportation Coalition, participated with the MTA, Caltrans, SCAG and local agencies in developing the North County Combined Highway Corridor Study and the recently approved Project Study Report for this project. These improvement projects will provide significant economic, environmental, congestion mitigation, and safety benefits to North Los Angeles County.

This portion of Interstate 5 serves as the "Gateway" to Southern California and currently carries over half a million trucks each month. This volume of truck traffic is projected to increase dramatically over the next several years. The proposed truck lanes over the Newhall Pass will provide for the much needed separation of "slower" trucks from the other vehicles traveling on Interstate 5. Through the development of the North County Combined Highway Corridor Study, an extensive public participation process solicited input on the proposed improvements. No opposition was raised to the project during that process, nor were any significant or unmitigable impacts identified. In addition, Congressman Buck McKeon has submitted a request seeking \$160 million to complete the I-5 HOV and Truck Lane Corridor Improvements through the Federal Reauthorization of the Surface Transportation Act.

Specific comments are provided below:

- For Exhibit 4.1 and Table 4.4: Add one HOV lane in each direction from I-5/SR-14 to SR-126 on I-5, and include the I-5/SR-14 HOV Connector in the Baseline Network (also confirm that it is included in Table 4.5)
- Exhibit 4.2 and Table 4.6: Add one MF lane in each direction from I-5/SR-14 to Calgrove Blvd. (as the Truck Lane) on I-5.

Air Quality Comments

Section 3.4-18

"At this time, the responsible agencies have not been able to identify the needed emission reductions to meet attainment of the federal standards. This emission reduction shortfall presents quite a challenge to the region, as most of the substantial and feasible emission reductions have already been implemented."

EIR - ①

The City of Santa Clarita is working with the SCAQMD to perform a Sub Regional Plan for the Santa Clarita Valley to determine current sources and needed emission reductions to meet attainment of federal and state standards. The Santa Clarita Valley's air quality is the second worst in the SCAQMD area for ozone pollution, which sunburns lungs. The worst pollution tends to be afternoon/evenings and weekends, and trends suggest worsening air quality. SCAQMD periodically conducts special air quality monitoring and other studies to address community air quality concerns, and to expand scientific knowledge of air pollution and its effects. The purpose of the SCAQMD Sub Regional Plan is to address this overall concern regarding trends in rising air pollution in the Santa Clarita Valley. The study currently includes MATES 2 modeling to determine the type and source of pollution most affecting the Santa Clarita Valley. The Santa Clarita Valley Sub Regional Plan will likely identify needed emission reductions affecting this region.

Section 3.4-24 - Methodology

EIR - ②

"Mobile source emissions are a product of mobile source emission factors and vehicle activity data. The mobile source emission factors are based on the latest version of the ARB mobile source emissions inventory model, EMFAC2002 (version 2.2, April 23, 2003). The SCAG Draft 2004 RTP PEIR emission factors accommodate certain performance assumptions including projected fuel efficiency in 2030, future emissions control technologies, and mobility assumptions (e.g., vehicle speed and idling). Vehicle miles traveled (VMT) are predicted by the California Department of Transportation (Caltrans) Direct Travel Impact Model 4 (DTIM4.02) traffic model. Appendix 7.3 contains the summary tables of criteria pollutants emissions by county and air basin for the SCAG region."

Please review the land use assumptions in the traffic analysis zones of the SCAG/Caltrans model to ensure that the data corresponds to the Santa Clarita Valley Consolidated Traffic Model - Version 3.3, which is available from the City of Santa Clarita Transportation and Engineering Services Department. As a result of the air quality concerns previously mentioned for the Santa Clarita Valley, the City wants to ensure that the vehicle miles traveled (VMTs) reflect the City's

EIR- ② projected growth, which will translate into VMT via the SCAG/Caltrans model. In Appendix 7-3 referred to in the Draft PEIR, the VMTs are by total county, so it is unclear if this was done or not.

EIR- ③ "These impacts result from construction activities which include construction equipment emissions, dust from grading and earthmoving operations, and emissions from workers' vehicles traveling to and from construction sites."

Please address the additional emissions related to congestion endemic when construction zones are near traffic. Specifically, slower speed limits, drivers slowing down to look, and congestion from accidents.

EIR- ④ "Based on the OEHHA guidance, the analyses of health impacts were limited to evaluations of increased cancer risks from the inhalation pathway. The OEHHA procedures state that "the potential cancer risk from inhalation exposure to diesel PM will outweigh the potential non-cancer health impacts" and that "potential cancer risk from inhalation exposure to whole diesel exhaust will outweigh the multi-pathway cancer risk from the speciated compounds. On the basis of these statements, the assessments of risks associated with diesel exhaust emissions from construction and operation of freeway segments conducted here were limited to the cancer impacts from the inhalation route only."

Please include other health factors such as increased asthma rates, premature deaths, increased heart disease risk, and other important health factors in addition to cancer risk from PM 10. These factors are available from the Air Resources Board and the American Lung Association.

Section 3.4-25 - Project Impact and Mitigation Measures

EIR- ⑤ Please include a review of train emissions in the Draft PEIR and quantify to ensure they are not a significant source of air pollution. If there are emissions of concern resulting from trains, please ensure that they are discussed in the mitigation section.

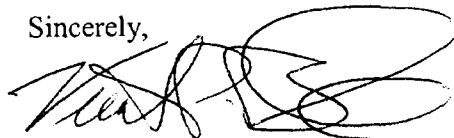
Conclusion

EIR- ⑥ In conclusion, the City understands that local land use and transportation planning must be balanced and weighed with the needs of the SCAG region. A direct linkage between planned infrastructure improvements, the preferred growth projections, and the COMPASS growth visioning principles is critical to effect change and ensure long-term RTP success. As SCAG continues with the RTP process, it is important that sound comprehensive planning be employed to find the right balance of reality, technical justification and policy, recognizing the

EIR - ⑥

limitations that exist at the local and regional levels, and factors that would affect implementation. The City looks forward to its continued participation in both the 2004 Regional Transportation Plan growth projection process and the CEQA process. If you should have any questions, comments or require additional materials, please contact me or Lisa Hardy, Senior Planner, at (661) 255-4949 / lhardy@santa-clarita.com.

Sincerely,



Vincent P. Bertoni, AICP
Interim Director of Planning & Building Services

VPB:LMH:lep

S:\pbs\advance\City Draft 2004 RTP Comment Letter.doc

cc: Mayor Kellar and City Councilmembers
Chair Berger and Planning Commissioners
Kenneth Pulskamp, City Manager
Michael Murphy, Intergovernmental Relations Officer
Mark Yamarone, Capital Plan and Programs Administrator
Heather Merenda, Sustainability Planner
Laurie Lile, Director of Planning, City of Palmdale
Mike Behen, Senior Transportation Planner, City of Palmdale
Brian Ludicke, Community Development Director, City of Lancaster
David Ledbetter, Principal Planner, City of Lancaster
Paul Novak, Deputy, Supervisor Antonovich's Office, 5th District
Millie Jones, Senior Field Deputy, Supervisor Antonovich's Office, 5th District
Jim Hartl, Los Angeles County Director of Regional Planning
Andy Malakates, Section Head, Los Angeles County Dept. of Regional Planning



CMS 550

"Citrus Capital of the World"

City of Santa Paula

970 Ventura Street • Santa Paula, California • Mailing Address: P.O. Box 569 • 93061 • Phone: (805) 525-4478 • Fax: (805) 525-6278

February 3, 2004

Rec'd 2/5/04

E-04-0011

Ms. Nancy Pfeffer
Southern Calif. Assoc. of Governments
818 West Seventh Street, 12th floor
Los Angeles, CA 90017-3435

Subject: Review of Compass Growth Vision Memo dated January 20, 2004 and
Draft Program EIR for the 2004 Regional Transportation Plan

Dear Ms. Pfeffer,

Thank you for the opportunity to provide input on the Southern California Compass Growth Vision Land Use Scenario and the draft Program EIR for the 2004 Regional Transportation Plan (RTP). The City of Santa Paula has the following comments:

Compass Growth Vision

① The Land Use Scenario Map should be revised to accurately reflect and include the City of Santa Paula's projected future land uses and include Santa Paula's General Plan Growth scenario 2020 as described in the City's current General Plan (see attached map, Figure LU-4).

Since the Land Use Scenario will also be utilized in the development and modeling of the Regional Transportation Plan, it would be prudent to ensure that the future land use map is accurately reflects Santa Paula's projected future growth and expansion areas.

Areas of concern:

Population Estimates

② The population estimates in the Compass vision seem low. For example, the City of Santa Paula currently has a population of over 29,000 (2003 figures). The General Plan (approved in 1998) projects a population of 38,323 by 2020; an increase of approximately 8,000 over current population estimates.

Housing

③ As shown on map LU-5, the City has the potential to grow and potentially add 3,600 dwelling units within the shown expansion areas. Please include this information in the Growth Vision.

The Big Picture (Compass memo, page 6)

④ As currently depicted, the land use scenario does not align with the long-term plans of the City of Santa Paula, because the projected growth and expansion areas of the city have not been included. The scenario presented by SCAG is neither feasible nor desirable as a framework for the next 30 years.

- ⑤ The hierarchy of mixed-use centers depicted on the map is too small to read; therefore it is not possible to comment on the map.

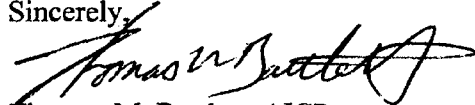
2004 RTP

Chapter 2

- ⑥ 1. A discussion of how the forecasts were calculated is missing as well as what assumptions were used regarding immigration and net natural increase. What assumptions were used to account for the projected increases among SCAG sub-areas?
- ⑦ 2. Consider including a table that shows the distribution of the projected increases among jurisdictions within each sub area. Without such information it is impossible to verify the projected increases.

Thank you.

Sincerely,

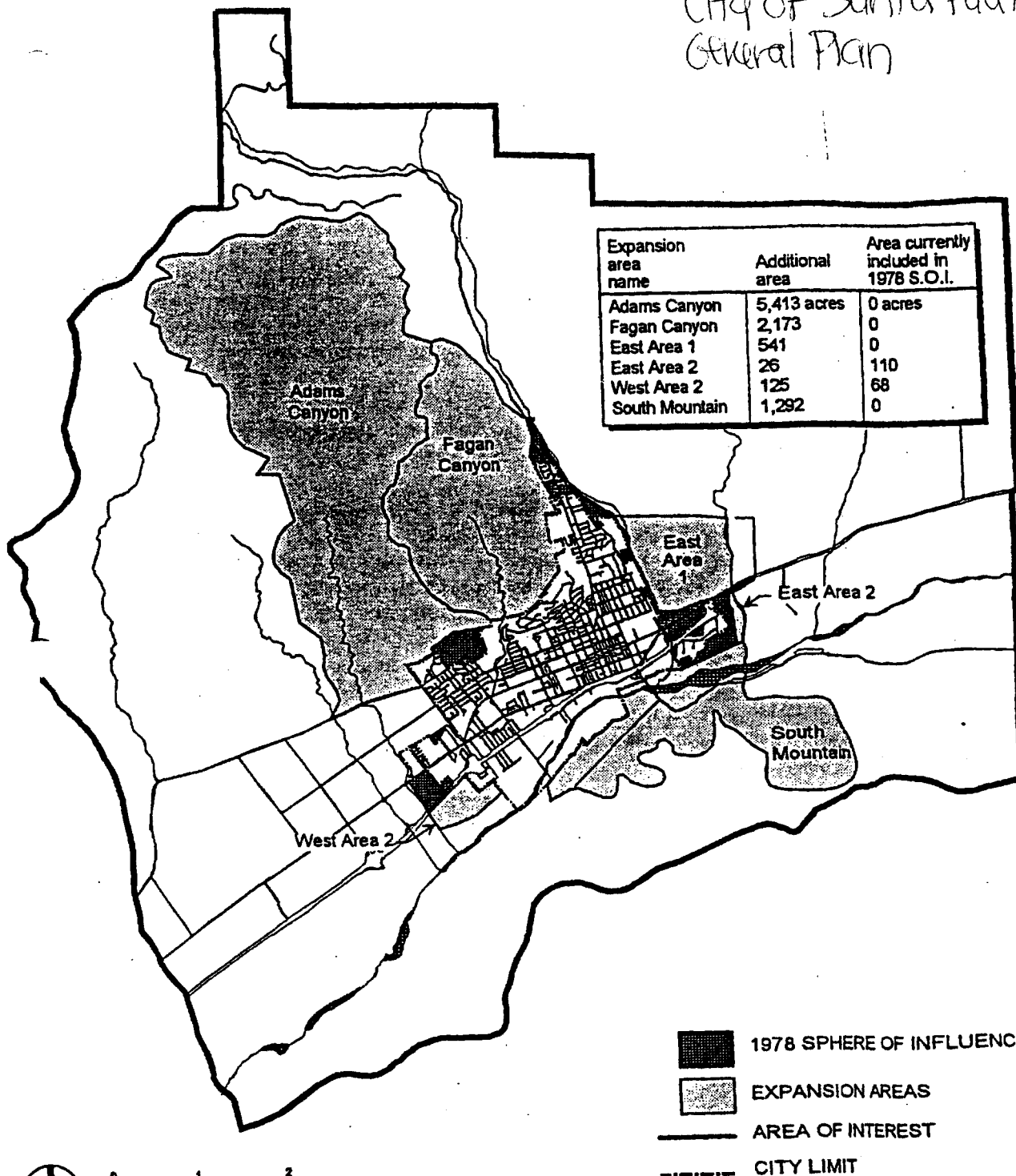


Thomas M. Bartlett, AICP
Planning Director

Attachments: Figure LU-4, Expansion Areas
Figure LU-5, Land Use Plan

Cc: Joe Carreras, SCAG
Wally Bobkiewicz, City Manager
Nancy Settle, County of Ventura, Planning Department

Source:
City of Santa Paula
General Plan



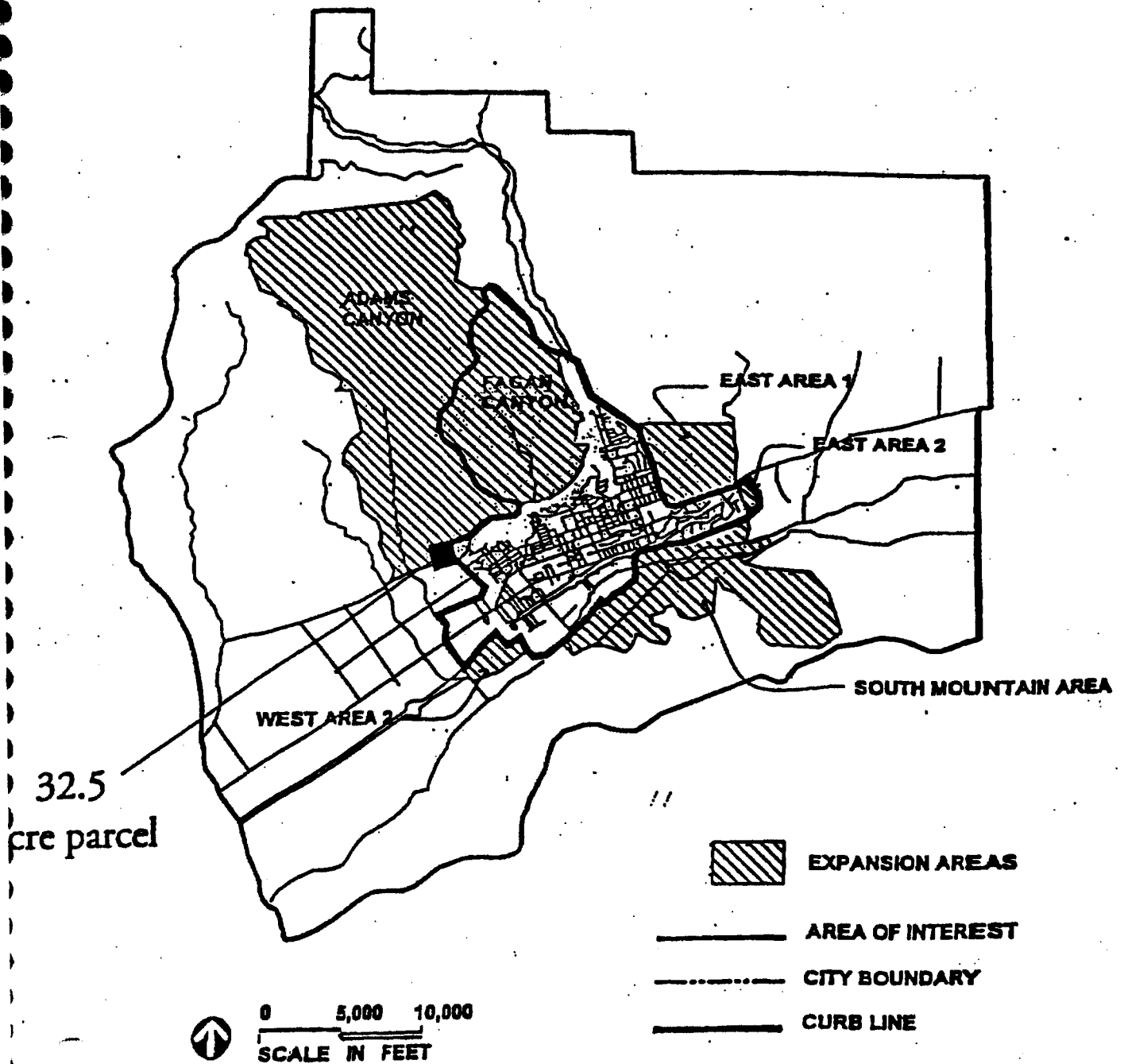
Expansion Areas
and Sphere of Influence

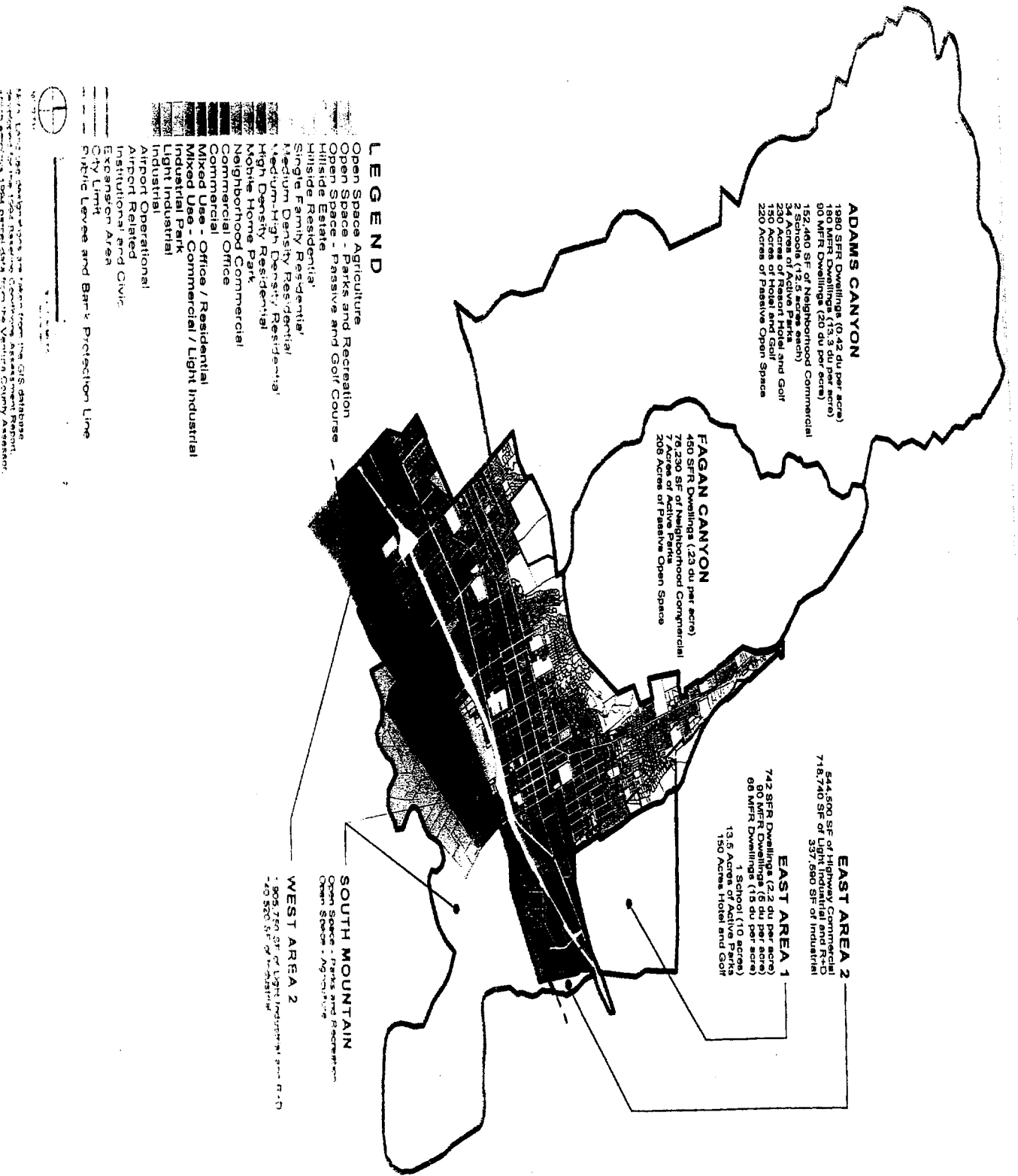
Figure LU-4

EXHIBIT A

Figure LU-4a amended

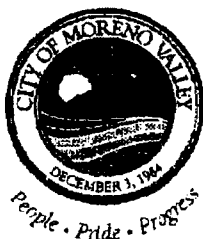
Amended Santa Paula City Urban Restriction Boundary (CURB)
Amended CURB Line





Land Use Plan

Figure LU-5



Rec'd Feb. 5, 2004
E-04-0012

Office of the Mayor

City Hall
14177 Frederick Street
P. O. Box 88005
Moreno Valley, CA 92552-0805
Phone: 909 . 413 . 3006
Fax: 909 . 413 . 3760
www.moreno-valley.ca.us

February 4, 2004

Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Attention: Nancy Pfeffer

Subject: 2004 Regional Transportation Plan, Draft Program Environmental Impact Report for the 2004 Regional Transportation Plan and the Regional Growth Vision

Dear Ms. Pfeffer:

Thank you for the opportunity to comment on the 2004 Regional Transportation Plan (RTP) and Draft Program Environmental Impact Report for the 2004 Regional Transportation Plan (RTP DEIR). We reviewed the draft documents and offer the following comments and recommendations:

1. The RTP addresses MAGLEV and other rail system improvements but does not emphasize ridership. The RTP should place more emphasis on ways to encourage ridership on existing systems (e.g. Metrolink). Ridership on existing systems could be improved by increasing the frequency and hours of service.
2. The RTP calls for new legislation to compel local jurisdictions to incorporate growth vision strategies into development projects. This includes incentives for higher density development close to transit corridors. We cannot support this approach without prior knowledge of what might be adopted by the legislature. We are concerned because the legislature often resorts to unproductive command and control techniques like those we have seen concerning affordable housing. Local land use planning must strike a balance between local economic, physical and environmental factors. This reality tends to be overlooked by the legislature.

Letter to Nancy Pfeffer of SCAG
 2004 RTP and Draft EIR for the 2004 RTP
 February 4, 2004
 Page 2 of 4

3. The maps erroneously label the Moreno Valley Freeway (SR60) as Interstate 10. In addition, Figure 4.4 appears to have misidentified the location of future employment and population centers in and around Moreno Valley. Please refer to the enclosed existing and proposed Moreno Valley General Plan land use maps.
4. The Moreno Valley to San Bernardino CETAP corridor should be included on Exhibit 4.2 (2030 Mixed Flow Improvements) and Table 4.6 (Mixed Flow Projects) rather than Table 4.7 (Toll Corridor Projects). The RTP appears to assume that the alignment that involves tunneling under Box Springs Mountain is the only alternative. Several less expensive arterial alignments are proposed for this corridor.
5. One of the RTP recommendations outlined on Page 95 is to explore potential changes to the California Environmental Quality Act, Congestion Management Program and other legislation to require no increases in vehicle trips or maintain/increase transit mode split for major developments. We do not support this approach, because it is not reasonable to place such restrictions on individual developments. Even if it were a reasonable restriction, CEQA is not the appropriate enforcement tool.
6. RTP DEIR mitigation measures 3.1-1b and 3.1-1f concerning impacts on prime farmland and grazing land do not seem practical. MM 3.1-1b states that mitigation may include conservation easements or the payment of in-lieu fees. MM 3.1-1f requires implementing agencies, prior to final approval of each project, to "encourage enrollment of agricultural lands for counties that have Williamson Act programs, where applicable." Implementing agencies would face serious practical difficulties applying these mitigation measures. ①
7. RTP DEIR impact 3.3-1 identifies an increase in total daily vehicle miles of travel as an environmental impact. We don't agree that an increase in daily vehicle miles traveled is an impact on the environment. Technically, under CEQA, impacts on the environment involve changes to physical conditions, such as land, vegetation, air and water resources. ②
8. RTP DEIR noise mitigation measure 3.5-2 states that passenger stations should be located away from sensitive receptors. This mitigation measure should be rewritten so it is not construed to preclude transit-oriented development with housing located close to transit stations. ③
9. RTP DEIR mitigation measure 3.6-2a states that implementing agencies shall, where practical and feasible, avoid construction of transportation facilities on state and locally designated scenic highways and or vista points. This mitigation measure does not seem reasonable. Scenic highways are transportation ④

Letter to Nancy Pfeffer of SCAG
2004 RTP and Draft EIR for the 2004 RTP
February 4, 2004
Page 3 of 4

- facilities. It is difficult to conceive of any circumstance under which this mitigation measure would apply. (4)
10. The RTP DEIR includes a number of mitigation measures for impacts to biological resources (MM 3.7-1a – MM 3-7-9a) that go above and beyond the mitigation measures required under the Western Riverside County Multiple Species Habitat Conservation Plan (WRCHCP). The WRCHCP already includes mitigation for loss of habitat due to transportation improvements as well as private development. Please revise the RTP DEIR discussion of biological impacts and mitigation measures to fully acknowledge the WRCHCP. Only those biological mitigation measures outlined in the WRCHCP should apply to the transportation projects covered by the WRCHCP. (5)
11. RTP DEIR mitigation measure 3.7-1b reads as follows "When avoidance of native vegetation removal is not possible, each transportation project shall replant disturbed areas with commensurate native vegetation of high habitat value adjacent to the project (i.e. as opposed to ornamental vegetation with less habitat value) to compensate for unavoidable habitat losses from the project site." Please revise this mitigation measure so it is not construed to require native vegetation to be planted in all cases. There is little wildlife benefit to be gained by planting small patches of native vegetation (e.g. erosion control planting) within highly developed areas. (6)
12. RTP DEIR mitigation measure 3.13-7a requires implementing agencies to ensure that local school districts "have the capacity or is planning for the capacity that the project will generate" and identify appropriate mitigation measures such as new school construction. This requirement is unnecessary and could severely undermine implementation of the 2004 RTP. The Leroy F. Green School Facilities Act of 1998 (SB 50) addresses the subject of mitigation for impacts on school facilities. The law limits the fees and site dedication required to offset the impact of new development on the school system. In passing SB 50, the California legislature declared it has exclusive jurisdiction on the subject of the need for and mitigation of impacts related to school facilities. Please eliminate this mitigation measure. (7)
13. Our staff recently attended a WRCOG/ SCAG Growth Visioning Review Session. Our staff reviewed and commented on the proposed Growth Vision map that was presented at the review session. We believe that the draft Growth Vision is infeasible because it is inconsistent with both the existing and proposed land use plan for Moreno Valley. Copies of our existing and proposed land use maps are enclosed for your convenience.

Letter to Nancy Pfeffer of SCAG
2004 RTP and Draft EIR for the 2004 RTP
February 4, 2004
Page 4 of 4

Please incorporate the comments and recommendations described in this letter in the 2004 Regional Transportation Plan, the 2004 RTP Final Environmental Impact Report and the Regional Growth Vision. If you have questions, please contact John Terell, Planning Official at 909 413-3206.

Sincerely,



Frank West
Mayor

JS:js

Enclosures: Existing and Proposed Land Use Plan

c: City Council
Planning Commission
Gene Rogers, City Manager
Linda Guillis, Community and Economic Development Director
Craig Neustaedter, City Traffic Engineer
John Terell, Planning Official
Jeffrey Specter, Associate Planner

Js:\jeffs\letters\2004rtpcomments.doc

Rec'd 2/6/04
E-04-0004

MWD

METROPOLITAN WATER DISTRICT OF SOUTHERN CALIFORNIA

Executive Office

February 5, 2004

FEDERAL EXPRESS

Nancy Pfeffer
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017

Dear Ms. Pfeffer:

Draft Program Environmental Impact Report for the 2004 Regional Transportation Program

The Metropolitan Water District of Southern California (Metropolitan) has received a copy of the Draft Program Environmental Impact Report (Draft PEIR) for the 2004 Regional Transportation Program (RTP). The Southern California Association of Governments (SCAG) is the State lead agency for the preparation of this Draft PEIR. The 2004 RTP is a long-range regional transportation plan that provides a blueprint to help achieve a coordinated and balanced regional transportation system in the SCAG region, which consists of six counties: Imperial, Orange, Los Angeles, Riverside, San Bernardino, and Ventura. Metropolitan appreciates the opportunity to review SCAG's Draft PEIR and provide input for the preparation of this document.

COMMENTS ON WATER RESOURCES

The Draft PEIR acknowledges that most water agencies have plans in place to respond to projected growth, but also finds on page 3.12-35, that *existing*, in the ground, water supplies and water supply infrastructure "would not be sufficient to meet the expected demand in 2030." Metropolitan, in conjunction with its member agencies, is successfully implementing the Integrated Resources Plan (IRP) to insure long-term water supply reliability within its service area. The IRP is guiding Metropolitan in developing a balanced portfolio of local and imported resources. These include investments in conservation, recycling, groundwater recovery, surface and groundwater storage, transfers, and other resources described in the Draft PEIR.

Through implementation of the IRP and other long-term plans, Metropolitan and its member agencies will be able to accommodate the projected growth within Metropolitan's service area. In this regard, we support the mitigation measures proposed in the Draft PEIR and look forward to partnering with SCAG in the future.

Ms. Nancy Pfeffer

Page 2

February 5, 2004

COMMENTS ON GROWTH INDUCING IMPACTS ANALYSIS

Metropolitan agrees with SCAG that the Draft PEIR must address potential growth inducing impacts, and that the redistribution of growth within the region would result in growth inducing effects. But Metropolitan does not agree with the conclusion that the proposed Plan's growth inducing effects can be characterized as significant under CEQA. CEQA is concerned with physical changes in the environment, not intangible effects. Thus, it is the consequences of growth that matter most – not growth itself – and it is those consequences that must be analyzed to determine whether a significant physical change in the environment could result.

The CEQA Guidelines are clear that growth in and of itself should not be characterized as a significant detrimental environmental effect: "It must not be assumed that growth in any area is necessarily beneficial, detrimental, or of little significance to the environment." (State CEQA Guidelines § 15126.2 (d). Growth in and of itself does not require mitigation.

Napa Citizens for Honest Government v. Napa County Boards of Supervisors (2001) 91 Cal.App.4th 342 (*Napa Citizens*) dealt with a situation very similar to the relationship between SCAG's proposed Plan and its member agencies. In *Napa Citizens*, Napa County, as lead agency, had no legal authority to deal with residential growth that its proposed industrial plan would induce in nearby cities. The Court of Appeal held:

Neither CEQA itself, nor the cases interpreting it, require an EIR to anticipate and mitigate the effects of a particular project on growth in other areas. In circumstances such as these, we think that it is enough that the FSEIR warns interested persons and governing bodies of the probability that additional housing will be needed so that they can take steps to prepare for or address that probability. The FSEIR need not forecast the impact that the housing will have on as yet unidentified areas. That process is best reserved until such time as a particular housing project is proposed. (Id. at 371.)

Given this framework, Metropolitan recommends the Final PEIR include the following changes:

- 1) For the significance criteria on p. 3.2-10, delete "Induce substantial population growth to areas of the region." This criterion sets up a per se finding that any reallocation of growth within the region is significant; a finding that is inappropriate under CEQA.
- 2) For the same reason, delete the conclusions that "implementation of the proposed Plan would result in a significant growth inducing effect" (p. 3.2-11) and "the impact would remain significant" (p. 3.2-12; ES-12).

②



Ms. Nancy Pfeffer

Page 3

February 5, 2004

- 3) Clarify that the proposed mitigation measures are not required under CEQA. In this regard, consider adding the following introduction to the mitigation measures presented on p. 3.2-11: "Although mitigation for growth effects by themselves is not required under CEQA, SCAG will commit to the following to help its member agencies in mitigating any significant environmental consequences of induced growth."

②

Metropolitan also disagrees with the Draft PEIR's cumulative impacts discussion beginning on p. 3.2-15. Because the proposed Plan already captures all anticipated impacts on population, housing, and employment within the region, there can be no additional cumulative impacts on these resources to consider. The discussion that follows does not discuss cumulative impacts on population, housing, or employment, but instead merely duplicates the same discussion on cumulative land use impacts presented in the land use chapter. Metropolitan recommends that the Final PEIR clarify that there are no additional cumulative impacts on population, housing, and employment and delete the duplicative discussion on land use impacts beginning on p. 3.2-15 and on p. ES-13.

③

Note that because the mitigation measure included in the Draft PEIR for cumulative growth-related effects (MM3.2-4a) is one and the same with the mitigation measure for cumulative land use effects (MM 3.1-4a), the recommended change has no substantive effect.

SPECIFIC CLARIFICATIONS

The following comments are intended for clarification purposes and do not affect the analysis or conclusions in the PEIR.

Page 3.12-3, Paragraph 1: Groundwater

The 22 projects described here under groundwater are actually groundwater recovery projects, not groundwater storage projects. Groundwater recovery is the restoration of contaminated local groundwater supplies through treatment for urban uses. Groundwater recovery augments local supplies and decreases the need for imported water. The 22 projects mentioned will ultimately yield 82,000 of annual production.

④

Page 3.12-3, Paragraph 1, 3rd Sentence:

"A number of Agencies within...Los Angeles County Department of Water and Power..." The correct title is "...Los Angeles Department of Water and Power."

⑤

Ms. Nancy Pfeffer
Page 4
February 5, 2004

Page 3.12-4, Paragraph 3 & 4: Colorado River

The Quantification Settlement Agreement (QSA), a major component of California's Colorado River Water Use Plan (Plan) was executed last year. The QSA, along with other recently authorized components of the Plan, stabilizes Southern California's Colorado River supply by allowing California agencies to take advantage of surplus Colorado River water when available and provides the mechanism for additional agriculture to urban water transfers and conjunctive use programs along the Colorado River Aqueduct. In addition, the QSA settles long-standing disputes between California water agencies over the use of California's Colorado River entitlement.

Page 3.12-5, Paragraph 2: State Water Project

Although it does not affect this report's findings, it should be noted that the 2.0 million acre feet (maf) mentioned here excludes the State Water Project (SWP) Table A amounts of other SWP Contractors (which combined with Metropolitan's supply amounts to more than 2.5 maf) within SCAG's planning area.

The following table lists Southern California Contractors and their SWP Table A amounts:

Agency	SWP Table A Amounts (acre-feet)
Antelope Valley-East Kern WA	141,400
Castaic Lake WA	95,200
Coachella Valley WD	23,100
Crestline-Lake Arrowhead WA	5,800
Desert WA	38,100
Littlerock Creek ID	2,300
Mojave WA	75,800
Metropolitan WDSC	2,011,500
Palmdale WD	21,300
San Bernardino Valley MWD	102,600
San Gabriel Valley MWD	28,800
San Geronio Pass WA	17,300
Ventura County FCD	20,000
Southern California Total	2,583,200

Deliveries from the SWP fluctuate from wet years to dry years and on average the SWP delivers 70% of the SWP Table A amounts. To manage the variability of the SWP supplies, Metropolitan and other SWP Contractors have developed numerous programs and agreements that can store wet year supplies for use in dry years.

Ms. Nancy Pfeffer

Page 5

February 5, 2004

In addition to SWP Table A water supplies, SWP Contractors also have access to surplus, interruptible, and other supplies when available. Metropolitan also has storage capabilities in local SWP reservoirs and the ability to store water in the San Luis Reservoir (carryover storage) from year to year.

⑦

Page 3.12-8, Paragraph 4: CALFED

It should be noted that since the 1999 CALFED Draft EIR, the CALFED Program was subsequently approved in 2000 and is in the early stages of implementation. The CALFED Program set forth a 30-year plan for water supply reliability, delta levee system integrity, water quality, and ecosystem restoration.

⑧

Page 3.12-8, Paragraph 5, 1st Sentence:

The correct titles for the referenced facilities are the "Hyperion Treatment Plant, the Joint Water Pollution Control Plant of the Los Angeles County Sanitation Districts, and the Orange County Sanitation District reclamation plant."

⑨

Page 3.12-11, Paragraph 3:

Consider changing this paragraph as follows, "Water ~~reclamation and~~ recycling involves the treatment of ~~polluted groundwater and~~ wastewater effluent for reuse. ~~New~~ Beneficial purposes include landscape irrigation, surface water amenities in public parks and places, industrial process water, and groundwater recharge. The use of recycled water and *recovered groundwater* ~~for these various purposes~~ augments the region's water supplies and reduces the demand for *imported* water imports."

⑩

Metropolitan appreciates the opportunity to provide input to your planning process and we look forward to receiving future documentation on this project. If we can be of further assistance, please contact Ms. Carissa Dunn of the Environmental Planning Team at (213) 217-5632.

Very truly yours,



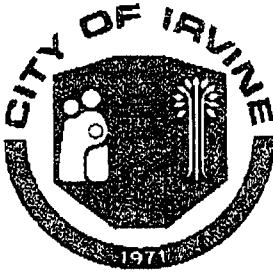
Laura J. Simonek

Manager, Environmental Planning Team

LIM/rdl

(Public Folders/EPU/Letters/02-FEB-04C.doc – Nancy Pfeffer)

Rec'd 2/9/04
E-04-0015



City of Irvine, One Civic Center Plaza, P.O. Box 19575, Irvine, California 92623-9575 (949) 724-6000

February 6, 2004

Mr. Ted Harris
Regional Environmental Planner
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Subject: Notice of Availability of a Draft Program Environmental Impact Report for the 2004 Regional Transportation Plan

Dear Mr. Harris:

The City of Irvine appreciates the opportunity to review the Draft Program Environmental Impact Report (PEIR) for the 2004 Regional Transportation Plan (RTP). The City previously provided comments on the Draft RTP in a letter, addressed to Ms. Bernice Villanueva, and dated December 1, 2003. We offer the following additional comments related to the environmental document and the recommended list of RTP projects:

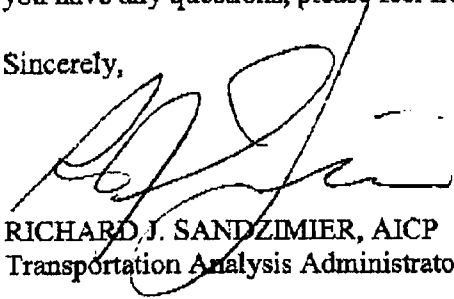
The RTP growth projections provide important assumptions in estimating future travel demand and in the planning of future infrastructure needs. These projections must be consistent with the most recent Orange County Projections adopted by the Orange County Council of Governments (OCCOG), in order for the RTP to accurately estimate Orange County growth patterns and travel demands. It is of particular importance that the RTP growth scenarios include the recent LAFCO approved annexation by the City of Irvine of the former MCAS El Toro Base and surrounding areas. Another major land area pending annexation approval is the City's Northern Sphere of Influence.

In April of 2003, the Irvine City Council adopted the North Irvine Transportation Mitigation Program (NITM). The purpose of the NITM Program was to establish a funding mechanism for the transportation improvement mitigation measures identified in the Environmental Impact Reports (EIRs) for three future development projects in north Irvine area: 1) Spectrum 8/Planning Area 40, 2) Irvine Northern Sphere, and 3) Orange County Great Park. A part of this NITM program is a list of regionally significant projects identified as being partially funded and under the jurisdiction of Caltrans and the Transportation Corridors Agency. In order to qualify for local, state and federal transportation funding we request that the attached list of partially funded projects be included in SCAG's 2004 RTP for funding consideration:

Mr. Ted Harris
February 6, 2004
Page 2

The City of Irvine appreciates your consideration of our local concerns and priorities. Should you have any questions, please feel free to call me at (949) 724-7350.

Sincerely,



RICHARD J. SANDZIMIER, AICP
Transportation Analysis Administrator

MB/RS/DW

Attachment: NITM List of Partially Funded Regionally Significant Projects

c: City Manager
Deputy City Managers
Acting Director of Public Works
Manager of Planner Services

City of Irvine – North Irvine Transportation Mitigation Program List of Partially Funded Regionally Significant Projects

Project Input to SCAG 2004 Regional Transportation Plan

Location	Jurisdiction	Improvement	Timeframe	Total Cost	Cost Allocation	
					NITM Fees	Unfunded
Interchanges						
SR-133 at Trabuco Rd.	Irvine/Caltrans/TCA	Construct interchange	2025	\$50,903,000	\$25,451,500	\$25,451,500
SR-241 at Jeffrey Rd.	Irvine/Caltrans/TCA	Construct interchange	Post-2025	\$11,362,000	\$2,027,137	\$9,334,863
Freeway Mainline and Freeway/Tollway Ramps						
I-5 (Sand Canyon to Jeffrey Rd.)	Caltrans	Add sixth NB and SB mixed-flow lanes and add a second drop lane from I-5 to the southbound off-ramp at Sand Canyon	2025	\$4,619,000	\$180,515	\$4,438,485
I-405 (Sand Canyon to Jeffrey Rd.)	Caltrans	Add fifth NB and SB mixed-flow lanes	2007	\$161,000	\$3,674	\$157,326
I-5 at Alton Pkwy (SB off-ramp)	Caltrans	Add 2 nd auxiliary lane from I-5 to the off-ramp	2007	\$2,031,000	\$257,329	\$1,773,671
I-5 at Bake Pkwy (SB off-ramp)	Caltrans	Widen connector from I-5 to I-405 exit at Bake Pkwy to two lanes	2007	\$856,000	\$68,544	\$787,456
I-5 at Culver Dr (SB off-ramp)	Caltrans	Add 2 nd auxiliary lane from I-5 to the off-ramp	2007	\$2,625,000	\$348,889	\$2,276,111
I-5 at El Toro Rd (NB loop on-ramp)	Caltrans	Convert HOV preferential lane to a second metered mixed-flow lane	2025	\$124,000	\$8,465	\$115,535
I-5 at El Toro Rd (SB off-ramp)	Caltrans	Add 2 nd auxiliary lane from I-5 to the off-ramp	2025	\$124,000	\$4,319	\$119,681
I-5 at Jamboree Rd (NB off-ramp)	Caltrans	Add 2 nd drop lane from I-5 to the off-ramp	2007	\$1,868,000	\$110,809	\$1,757,191
I-5 at Jamboree Rd (SB off-ramp)	Caltrans	Add 2 nd drop lane from I-5 to the off-ramp	2007	\$1,673,000	\$51,838	\$1,621,162
I-5 at Jeffrey Rd (SB off-ramp)	Caltrans	Convert HOV preferential lane to a second metered mixed-flow lane	2025	\$113,000	\$8,107	\$104,893
I-5 at Sand Canyon Av (NB on-ramp)	Caltrans	Convert HOV preferential lane to a second metered mixed-flow lane	2007	\$131,000	\$22,765	\$108,235
I-405 at Irvine Center Dr (SB off-ramp)	Caltrans	Add 2 nd auxiliary lane from I-405 to the off-ramp	2007	\$2,145,000	\$70,185	\$2,074,815
I-405 at Jeffrey Rd (NB off-ramp)	Caltrans	Add 2 nd drop lane from I-405 to the off-ramp	2025	\$2,258,000	\$24,150	\$2,233,850
I-405 at Sand Canyon Av (NB direct on-ramp)	Caltrans	Convert HOV preferential lane to a second metered mixed-flow lane	2025	\$145,000	\$15,187	\$129,813
I-405 at Sand Canyon Av (SB off-ramp)	Caltrans	Add 2 nd drop lane from I-405 to the off-ramp	2025	\$2,257,000	\$191,882	\$2,065,118
SR-133 at Barranca Pkwy (SB loop on-ramp)	Caltrans	Convert HOV preferential lane to a second metered mixed-flow lane	2025	\$142,000	\$114	\$141,886
SR-241 at Lake Forest Dr (SB off-ramp)	Caltrans/TCA	Add 2 nd drop lane from SR-241 to the off-ramp	2025	\$3,124,000	\$131,203	\$2,992,797

LEGAL AID FOUNDATION OF LOS ANGELES

Rec'd 2/9/04
E-04-0016

Central Office
1550 W. Eighth Street
Los Angeles, CA 90017-4316
(213) 640-3881

East Office
5228 E. Whittier Boulevard
Los Angeles, CA 90022-4013
(213) 640-3883

ATTORNEYS AT LAW
8601 South Broadway
Los Angeles, California 90003-3319
Telephone: (213) 640-3884
Fax: (213) 640-3988

Long Beach Office
110 Pine Avenue, Suite 420
Long Beach, CA 90802-4421
(562) 435-3501

Santa Monica Office
1640 Fifth Street, Suite 124
Santa Monica, CA 90401-3343
(310) 899-6200

West Office
1102 Crenshaw Boulevard
Los Angeles, CA 90019-3111
(323) 801-7989

(213) 640-3962

Our File Number

February 9, 2004

Nancy Pfeffer
Southern California Association
of Governments (SCAG)
818 West Seventh Street, 12 Floor
Los Angeles, CA 90017-3435

Ms. Pfeffer:

The Legal Aid Foundation of Los Angeles (LAFLA) appreciates this opportunity to comment on the Draft Program Environmental Impact Report (DEIR) for the 2004 Regional Transportation Plan (RTP). LAFLA is the frontline law firm for low-income communities of color in the Los Angeles Basin. Our clients, many of whom are transit-dependent and/or heavily-impacted by the negative effects of our current transportation infrastructure, have more at stake in this process than anyone else. Historically, they have also been the most ignored in the transportation planning process. Most of our comments, environmental and otherwise, are directed at the RTP and have been included in the letter of which we are co-signatories. There are two areas in the DEIR in particular, however, that we would like to address separately here.

Air Quality

Low-income communities throughout the Los Angeles Basin are heavily affected by some of the most polluted breathing air in the nation. With approximately 80% of the region's pollution being generated by mobile sources, the SCAG RTP is potentially the most important document in the region with respect to air quality. SCAG's own "State of the Region 2003" report notes that "the number of days exceeding the federal one-hour ozone standard increased from 36 to 49 days between 2001 and 2002," the first such increase since 1980. Yet, even under the relatively optimistic projections of the RTP, the DEIR anticipates increased PM10 emissions from on-road sources as a result of increased vehicle miles traveled (VMT's). *Impact 3.4-1a*. In addition, the DEIR, in a severe understatement, notes that freeway operations under the Plan would be likely to exceed the locally acceptable cancer risk of one in one million. *Impact 3.4-2*. In fact, in some parts of the Basin, the cancer risk from particulate matter is more than *one thousand times* the

locally acceptable limit. Lastly, increased air traffic would result in increased emissions of not only PM10, but every other harmful air pollutant known to man, including NOX, CO and SOX. *Impact 3.4-6.*

The DEIR contains no mitigation measures for any of these increases in harmful, cancer-causing air pollutants other than those incorporated by reference from existing regional air quality management plans. For a region facing the levels of air pollution currently faced by the SCAG region to *plan* for even more pollution makes no sense. After investments of over \$100 billion dollars, the region would be breathing worse air than it does today. This is a totally unacceptable plan for failure on the most critical element of this planning process. It is particularly disturbing given the environmental justice mandates to which SCAG pays lip service and the fact that low-income communities of color are the communities most affected by air pollution. The DEIR, and by extension the RTP, should be altered to include significant measures to reduce VMT's region-wide and thereby reduce PM10's. (1)

Much of the failures with respect to air quality are a direct result of the wider failure to take decisive action away from auto-dependency. From 1990 to 2001, the SCAG region consistently ranked as the most congested metropolitan region in the nation. *State of the Region 2003*. While there has been progress in expanding the transit network, buses in the urban core remain overcrowded and there are no freeway express buses to connect low-income residents of the inner-city with regional job centers. The DEIR should include additional funding for transit services as a mitigation measure against air pollution and job inaccessibility brought about by aspects of SCAG 2004 RTP.

Housing

The DEIR admits that almost 20,000 acres of existing residential development lies within the path of the planned transportation infrastructure projects. *Impact 3.2-2*. Not mentioned, but potentially equally important are the gentrification pressures likely to be unleashed by the region-wide shift towards in-fill development envisioned in the RTP itself. Taken together these factors raise the distinct possibility that implementation of the 2004 RTP will result in significant losses of housing stock, particularly on the low-income end of the market. The affordable housing crisis facing the Los Angeles basin is well-known and well-documented. The RTP itself notes that "Among the largest metropolitan regions, Southern California had the highest percentage of owner and renter households with housing costs greater than 30 percent of the household income," the generally accepted measure of affordability. RTP at 32. In 2002, 52 percent of Southern California renters, representing more than 3.6 million households, spent 30 percent or more of their income on rent. *SCAG State of the Region 2003 Report*. (2)

Again, there are no mitigation measures proposed by the DEIR that would address the regional impact of a loss of affordable housing. Minimizing the scope of the loss and providing relocation benefits (required by law in any event) to those directly affected are helpful, but do nothing to address the regional problem itself. SCAG should commit the region to a one-to-one replacement housing policy for transportation infrastructure projects similar to that provided under redevelopment law. Trying to solve one problem (congestion) by exacerbating another one (3)

February 9, 2004

(housing) is a myopic approach to planning that will not result in a net increase in the quality of life in our region. (2)

In sum, the DEIR is seriously deficient in failing to adequately mitigate known environmental impacts in the areas of air quality and availability of affordable housing. These failures disproportionately affect low-income communities of color, raising significant environmental justice concerns. We here at LAFLA hope that SCAG takes a hard look at these failures and addresses them in any way possible. Thank you for your consideration to this matter. (3)

Sincerely,

D. Malcolm Carson, Esq.
Legal Aid Foundation of Los Angeles

Gilbert Estrada
Physicians for Social Responsibility



Rec'd 2/9/04
E-04-0017

February 6, 2004

Ms. Nancy Pfeffer
SCAG
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

Ms. Bernice Villanueva
SCAG
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

SUBJECT: Draft 2004 Regional Transportation Plan (Destination 2030) and PEIR

Dear Ms. Pfeffer and Ms. Villanueva:

Thank you for the opportunity to review the Draft 2004 Regional Transportation Plan (October 2003) and the Draft 2004 Regional Transportation Plan – Program Environmental Impact Report as it relates to John Wayne Airport.

As you are aware, in 2002 the Orange County Board of Supervisors certified a final environmental impact report for John Wayne Airport addressing an amendment of the term and conditions of the Settling Parties' 1985 Settlement Agreement. Key provisions of that 2002 amendment include:

- Increases the number of regulated flights allocated to commercial passenger carriers at JWA from seventy-three (73) ADDs to eighty-five (85) ADDs beginning on January 1, 2003 through December 31, 2015.
- Increases the authorized passenger level served at JWA from 8.4 million annual passengers ("MAP") to 10.3 MAP, beginning January 1, 2003 through December 31, 2010, and further increases the authorized MAP level from 10.3 MAP to 10.8 MAP beginning on January 1, 2011.
- Provides a total of four (4) Class A ADDs cargo flights (for a total of eighty-nine (89) Class A ADDs flights) beginning on January 1, 2003, through December 31, 2015.
- Provides the passenger commercial carriers with the opportunity to use up to two (2) of the Class A ADDs cargo flights on a supplemental basis if there is no demand for these cargo flights by cargo air carriers.
- Increases the permitted number of passenger loading bridges at JWA from fourteen (14) to twenty (20) loading bridges beginning on January 1, 2003, and permits up to two (2) hardstand positions for aircraft arriving at JWA, under certain specified conditions.

Comments on the RTP:

RTP sections relating to "Adjustments to the Aviation Strategy" (Chapter 1) and "Aviation" (Chapter 4) accurately reflect the MAP (million annual passengers) numbers contained in the JWA Settlement Agreement Amendment.

3160 Airway Avenue
Costa Mesa, CA
92626-4608
949.252.5171
949.252.5178 fax
www.ocair.com



Ms. N. Pfeffer and Ms. B. Villanueva
Page 2
February 6, 2004

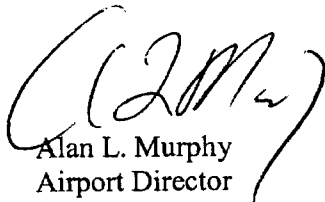
Comments on the RTP EIR:

On Page 3.3-17 in the section entitled "Regional Aviation Systems", the descriptive paragraph on JWA's location would be more accurate if Campus Drive was cited as an access route rather than Michelson Drive.

①

If you have any questions on these comments, please contact Joan Golding, JWA Planning Manager, (949) 252-5284 or jgolding@ocair.com.

Sincerely,



Alan L. Murphy
Airport Director

Rec'd 2/9/04
E-04-0018**URBAN DIMENSIONS**

STRATEGIC SERVICES, PUBLIC AFFAIRS & COMMUNICATIONS

506 Santa Monica Blvd., Ste 223, Santa Monica, CA 90401 310-899-5767 PHONE 310-899-6765 FAX INFO@URBANDIMENSIONS.NET

February 6, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 W. 7th Street, 12th Floor
Los Angeles, CA 90017

RE: Comments of the City of El Segundo on the Draft Program Environmental Impact Report for the 2004 Regional Transportation Plan

Dear Ms. Pfeffer:

This letter is submitted on behalf of the City of El Segundo. The City of El Segundo thanks the SCAG Regional Council and the SCAG staff for their continued efforts to address the pressing transportation and the related economic development and environmental issues facing Southern California. We have reviewed the Draft Program Environmental Impact Report 2004 Regional Transportation Plan (RTP) and have the following comments and concerns.

1. The City is greatly concerned that the total aggregate aviation demand projections for the region and the distribution of that demand to the region's airport are excessive. These projections were based on unconstrained regional aviation demand projections that are themselves excessive and fail to account for the changes in the aviation industry since 9/11 and the recent economic recession. Overstating aviation demand will put unnecessary pressure on the region's airports to accommodate unrealistic levels of passenger and cargo activity. ①
2. The PEIR does not identify nor analyze appropriate and effective measures to mitigate the negative impacts imposed on other communities in the region by counties that fail to accommodate their own aviation demand.

All counties in the SCAG region generate air passenger and air cargo demand but not all counties are willing or able to accommodate that demand and, therefore, "export" some or all of their aviation demand and its negative impacts to airports in other counties, primarily Los Angeles County.

For example, Orange County currently handles approximately one-third of its annual passenger demand and less than one percent of its annual air cargo demand at the County's only commercial airport, John Wayne Airport., which is subject to long-term legal capacity limitations. The County exports the overwhelming majority of its aviation demand to airports in other counties, primarily LAX. SCAG projects Orange County's aviation demand to reach 30 MAP by the year 2025. Without an additional commercial airport at El Toro or elsewhere in the county, Orange County's significant aviation ②

Ms. Nancy Pfeffer
February 9, 2004
Page 2

demand will be exported out of the county. The 2001 RTP estimated that without a second airport in Orange County an additional 30,000 people in the region – in mostly low-income and minority communities – will suffer the negative impacts of Orange County's aviation demand. This transfer of environmental burden from the mostly white affluent majority of south Orange County to the low-income and minority communities of other counties is an obvious and egregious violation of principles of environmental justice. (2)

SCAG's PEIR for the 2004 RTP should:

- identify and analyze the level of air passenger and air cargo demand generated by each county in the SCAG region,
- identify where and at what level each county's air passenger and air cargo demand is being met,
- identify communities that are impacted by another county's aviation demand,
- identify and analyze the type and level of negative impacts on communities accommodating another county's demand, and
- identify potential mitigation measures that might be implemented to address these negative impacts, such as the proposed Maglev project that links Anaheim and Orange County with Ontario Airport.

3. The region has reached a consensus to develop a decentralized airport system in southern California and SCAG adopted a decentralized aviation system in the 2001 RTP. That decentralized system has been determined (in the 2001 RTP) to facilitate improvements in the jobs-housing balance in the region, and thus to significantly reduce regional congestion and emissions. In fact, the regional aviation system is a lynchpin in the overall Growth Visioning strategy which serves as a core strategy in this plan and a significant strategy for reducing congestion and emissions. The Draft PEIR fails to acknowledge that ensuring that LAX does not expand beyond its current capacity of 78 million annual passengers is an essential part of this regional aviation strategy and that should LAX expand beyond 78 million annual passengers it would compromise the success of the proposed regional aviation system and compromise the ability of SCAG to assure that the 2004 RTP will conform to air quality goals. As El Segundo has stated in comments on the Supplement to the Draft EIS/EIR for LAX Master Plan Alternative D, a conservative estimate of the actual capacity of the proposed Alternative D is 87 MAP; absent enforceable restrictions to assure that LAX does not exceed 78 MAP, the lack of environmental analysis results in a failure to disclose predictable impacts of operations at LAX in excess of 78 MAP. (3)

4. In addition, the Draft PEIR fails to identify, analyze and prioritize infrastructure projects and regional investments that facilitate implementation of a decentralized regional aviation system. Specifically, those infrastructure projects that provide access to airports in the Inland Empire where there is public and political support for developing Ontario International Airport, March Inland Port, San Bernardino International Airport and (4)

Ms. Nancy Pfeffer
February 9, 2004
Page 3

Southern California Logistics Airport to handle a significant share of the region's future air passenger and air cargo demand. (4)

5. The City of El Segundo is specifically concerned with the failure of the 2004 RTP to include the Anaheim to Ontario Airport segment of the CalNevada Maglev system and the subsequent lack of environmental analysis in the Draft PEIR. That segment will offer the region the most effective means of meeting the extraordinary aviation demand generated by Orange County with the loss of El Toro as an airport option. Shifting a larger share of of Orange County's demand to Ontario and away from LAX would likely impact the volume and distribution of noise, traffic and air pollution in the region. (5)

The City of El Segundo is very pleased to submit these comments to SCAG for consideration in the deliberations on the Draft PEIR for the 2004 Regional Transportation Plan.

Sincerely,
URBAN DIMENSIONS


Dennis T. Zane

Cc: Jeff Stewart, Assistant City Manager, City of El Segundo
E. Clement Shute, Shute, Mihaly & Weinberger L.L.P.



Rec'd 2/9/04

E-04-0019

**South Coast
Air Quality Management District**21865 E. Copley Drive, Diamond Bar, CA 91765-4182
(909) 396-2000 • www.aqmd.gov

AQMD

FAXED: FEBRUARY 9, 2004

February 9, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Dear Ms. Pfeffer:

**Draft 2004 Regional Transportation Plan (RTP) Program
Environmental Impact Report**

The South Coast Air Quality Management District (SCAQMD) appreciates the opportunity to comment on the above-mentioned document. The following comments are meant as guidance for the Lead Agency and should be incorporated in the Final Program Environmental Impact Report. SCAQMD comments are directed solely at the analysis of impacts of the 2004 RTP implemented in the SCAQMD's jurisdiction.

Pursuant to Public Resources Code Section 21092.5, please provide the SCAQMD with written responses to all comments contained herein prior to the certification of the Final Program Environmental Impact Report. The SCAQMD would be happy to work with the Lead Agency to address these issues and any other questions that may arise. Please contact Charles Blankson, Ph.D., Air Quality Specialist - CEQA Section, at (909) 396-3304 if you have any questions regarding these comments.

Sincerely

Steve Smith

Steve Smith, Ph.D.
Program Supervisor, CEQA Section
Planning, Rule Development & Area Sources

Attachment

SS:CB

ALLO40106-04
Control Number

Post-it* Fax Note	7671	Date	2/9/04	# of pages	▶
To	SCAG	From			
Co./Dept.		Co.			
Phone #		Phone #			
Fax #	213-236-1963	Fax #			

Nancy Pfeffer

-1-

February 9, 2004

**Draft 2004 Regional Transportation Plan (RTP) Program
Environmental Impact Report (DPEIR)**

1. **Projected Plan Emissions I:** Table 3.4-3 on page 3.4-27 of the DPEIR shows the effects on on-road mobile source emissions for all the criteria pollutants expected to result from the implementation of the 2004 Regional Transportation Plan. The results in Table 3.4-3 are taken from emissions tables in Appendix 7.3, which are the total emissions by Basin County. To facilitate review of the analysis by the public, the SCAQMD recommends that the lead agency include the background support data, including emission factors, activity data, and equations that were used to calculate the emission totals. ①
2. **Projected Plan Emissions II:** Table 3.4-3 purports to show the effects of 2004 RTP on on-road mobile source emissions in the year 2030. As noted in the "Methodology" discussion beginning on page 3.4-23, emissions are based on emission factors and vehicle activity (VMT). Since the EMFAC 2002 mobile source emission factors used for future years take into account projected fuel efficiency, emissions control technology, fleet turnover, existing rules with future effective compliance dates, etc., an important factor affecting year 2030 mobile source emissions is a reduction in emissions from mobile sources rather than the 2004 RTP. A better indicator of the effect of the 2004 RTP would be to use the same EMFAC 2002 - mobile source emission factors (e.g., year 2030 EMFAC 2002 factors) applied to the baseline year 2000 VMT and applied to the year 2030 VMT and then compare the difference. This approach removes the influence of improved (lower) mobile source emissions from the analysis. It is also recommended that Tables 3.4-3 through 3.4-5 be labeled to indicate that the results are for on-road mobile sources only. ②
3. **Off-road Mobile Sources:** Tables 3.4-3 through 3.4-18 show emissions from on-road mobile sources and Table 3.4-19 shows aircraft emissions. It is unclear why the DPEIR does not address other off-road mobile source emissions sources such as railroads and marine vessels. ③

Since the projected growth on ports would have profound impacts on the regional transportation systems and how the future transportation infrastructure is designed to accommodate such growth, it is recommended that emission impacts for various growth scenarios be examined, perhaps as additional CEQA alternatives. ④

Furthermore, the emission impacts should be evaluated for different modes of transportation as a system, including ship emissions, port off-road engine emissions at terminals, locomotive emissions, vehicle idling emissions due to rail crossing, heavy duty vehicles, other on-road vehicle emissions due to various levels of congestion. Should emission increases above the CEQA significance thresholds, mitigation measures should be considered to minimize such impacts. ⑤

Nancy Pfeffer

-2-

February 9, 2004

4. **Health Risk Assessment for Toxic Air Contaminants:** On page 3.4-26 of the DPEIR, the lead agency states, "... a screening level Health Risk Assessment was conducted for project operation and construction phases of the Plan in accordance with SCAQMD, ARB and U.S. EPA guidelines." Since the health risk assessment was not included in the DPEIR, the SCAQMD could not evaluate the adequacy of the analysis. Please provide this information in the Final PEIR. In addition, since the DPEIR does not appear to include diesel particulate emissions from off-road sources such as railroads or marine vessels, the health risk assessment may have underestimated cancer risks from toxic air contaminant emissions (diesel particulate emissions). If including diesel toxicity from off-road sources results in air toxic impacts exceeding the significance thresholds, appropriate mitigation measures need to be included. (b)
5. **Construction Mitigation Measures:** In addition to the construction mitigation measures for identified on pages 3.4-35 and 3.4-36, the lead agency should consider the requiring additional measures such as those identified below. (b)
- **Off-Road Diesel Exhaust:**
 - Give priority points during the bid process for construction projects to contractors committed to using clean fuel or low-emission construction equipment
 - Use of Aqueous Diesel Fuel
 - Use of Cooled Exhaust Recirculation (EGR)
 - Use of Diesel Particulate Filter
 - Use low sulfur diesel if power generation equipment is used.
 - Restrict truck idling
 - Restrict operation to alternative fuel "clean" trucks, especially trucks dedicated to onsite operation.
 - Implement on-site vehicle circulation plan to prevent vehicle queuing.
 - **Mitigation Measures for Soil Disturbance affecting PM10 emissions include:**
 - Apply soil stabilizers to inactive areas
 - Water exposed surfaces at least three times a day.
 - Appoint a construction relations officer to act as a community liaison concerning on-site construction activity including resolution of issues related to PM10 generation.
 - Sweep streets if visible soil material is carried onto adjacent public paved roads. Street sweepers should be Rule 1186 certified and water sweepers should be using reclaimed water.
 - Pave roads and road-shoulders.
 - Conduct air quality monitoring at sensitive receptors.
 - All trucks hauling dirt, sand, soil or other loose materials are to be covered or should maintain at least two feet of freeboard two feet of freeboard (i.e. minimum vertical distance between top of the load and
- (7)
- ↓

Nancy Pfeffer

-3-

February 9, 2004

the top of the trailer) in accordance with requirements of CVC Section 23114.

Since the Basin must attain and maintain PM10 standards by 2006, it is imperative that these mitigation measures, unless determined to be infeasible, be implemented as an explicit commitment and fully enforceable through permit conditions or other legally binding mechanisms.

6. **South Coast SIP:** On page 3.4-31 the text refers to the "South Coast SIP." This is actually a reference to the 2003 Air Quality Management Plan, which has not yet been approved plan by U.S. EPA. Until such time as the Plan receives approval by U.S. EPA, it is recommended that the text be changed to refer to the 2003 Air Quality Management Plan.

7. **Project Specific Analysis:** The SCAQMD understands that the level of detail of the analysis in a program EIR is not as great as the level of detail of the project-specific analysis for the projects that follow. Therefore, The SCAQMD looks forward to reviewing the CEQA documents for the individual projects that comprise the 2004 RTP.

Rec'd 2/9/04 002/005
E-04-0020

San Joaquin Hills
Corridor Agency

Chairwoman:
Linda Lindholm
Laguna Niguel



TRANSPORTATION CORRIDOR AGENCIES

Foothill/Eastern
Corridor Agency

Chairman:
Peter Herzog
Lake Forest

Sylvia Patsaouras
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017-3435

February 9, 2004

Fax Transmittal: 213/236-1963

**RE: Comments on Draft Program Environmental Impact Report (PEIR)
for the 2004 Regional Transportation Plan**

Dear Ms. Patsaouras:

The Transportation Corridor Agencies (TCA) has reviewed the Draft Program EIR for the 2004 Regional Transportation Plan, with a particular emphasis on the topics of Land Use, Population and Housing, Transportation and Air Quality. Our January 5, 2004 comments provided separately on the RTP are hereby incorporated by reference. To the extent that we commented on the RTP, and the same or similar text, table or graphic appears in the PEIR, our comments on the RTP also apply to the PEIR.

Our comments are included in Attachment A to this letter. Several comments emphasize the point that the PEIR is a very general document that analyzes the potential impact of the RTP as a whole over a six-county region (as stated several times in the Draft PEIR, for example on page 1-1, stating that the PEIR provides a region-wide assessment). Significant impacts attributed to the RTP as a whole may or may not apply to individual projects or groups of projects within a sub-region or project area. Each individual transportation project must undergo environmental review to establish specific impacts and appropriate mitigations, as noted on page 2-11 and throughout the PEIR. We encourage SCAG to make this distinction in each section.

I am available to further discuss any questions you may have in responding to these comments. Please contact me at 949/754-3483, or cleary@sjhtca.com.

Thank you for addressing these points in the Final Program EIR.

Sincerely,

Macie Cleary-Milan

Macie Cleary-Milan
Deputy Director
Environmental Planning

Walter D. Kreutzen, Chief Executive Officer

125 PACIFICA, SUITE 100, IRVINE CA 92618-3304 • P.O. BOX 53770, IRVINE CA 92619-3770 • 949/754-3400 FAX 949/754-3467
www.thetolroads.com

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Attachment A***Transportation Corridor Agencies******February, 2004******General Comment*****Mitigation Measures**

The text of the PEIR states that all "mitigation measures shall be included in project-level analysis as appropriate. The lead agency for each individual project in the Plan shall be responsible for ensuring adherence to the mitigation measures prior to construction. SCAG shall be provided with documentation of compliance with mitigation measures through SCAG's monitoring efforts, including SCAG's Intergovernmental Review Process." (page 3.1-12).

The quoted language acknowledges that not all mitigation measures will be appropriate to individual projects. This is an important concept, as the mitigation measures embody a number of broad policies that may or may not be consistent with an individual lead agency's General Plan. The decision as to whether or not a mitigation measure is "appropriate" must be made by each lead agency as part of their environmental documentation and decision-making process. Presumably, documentation of that decision will suffice to document compliance with the mitigation measures as stated in the quoted text above.

We note that SCAG has no authority to provide many of the specified mitigation measures. We recommend that the language in each mitigation section throughout the PEIR be amended to discuss these limitations in the following manner:

"Implementation of the identified RTP projects could have a significant effect on the natural environment. The individual lead agencies would be responsible for implementing mitigation measures and/or project alternatives, which would reduce these impacts. SCAG cannot commit nor prescribe how lead agencies comply with CEQA and other environmental laws and has stated that evaluation must happen on a "project by project basis." Because SCAG cannot require the implementation of these mitigation measures nor judge the level of impact of individual projects at this program level, the impact remains potentially significant in the aggregate SCAG region.

Land Use

Page 3.1-13-3.1-16, Mitigation Measures. Throughout the Land Use section, we note that the proposed mitigation measures fall into two categories: measures which are not enforceable by SCAG, and measures that rely on SCAG consensus-building as distinguished from SCAG enforcement. The PEIR should clarify that SCAG's role in implementing changes in the type and intensity of local land use is advisory in nature.

Page 3.1-16, Impacts and Cumulative Impacts. The PEIR makes statements such as "*Cumulative Impact 3.1-4: Urbanization in the SCAG region will increase substantially by 2030. The 2004 RTP, by increasing mobility and including land-use-transportation measures, influences the pattern of this urbanization. The 2004 RTP's influence on growth contributes to regional cumulatively considerable impacts to land use and would change the intensity of land use in some areas.*" Such statements pertain to the entire RTP in general, and do not discuss the magnitude of impact within individual counties, sub-regions or cities. These general impacts, such as a change in land use intensity, for the RTP as a whole may not be significant (either before or after mitigation) at the sub-regional, local or project level. (5)

The analysis does not appropriately acknowledge adopted land use and transportation plans, such as General Plans, MPAH's, etc. As required by CEQA, the PEIR analyzes the impacts in a "plan to ground" manner. Yet, the PEIR treats the land use impacts as new impacts, rather than impacts that have already been considered in adopted plans. This distinction needs to be made. (6)

Population, Housing and Employment

Page 3.2-1, Impacts 3.2-1: Implementation of the 2004 RTP would facilitate substantial population growth to certain vacant areas of the region. (7)

The PEIR concludes that the proposed RTP would "facilitate" population growth in certain vacant areas. However, the PEIR should also acknowledge that the RTP accommodates population growth (and the homes and jobs that accompany it) that is reasonably expected to occur based on demographic trends, local plans and policies, and economic trends.

Page 3.2-15, Cumulative Impact 3.2-4: Urbanization in the SCAG region will increase substantially by 2030. The 2004 RTP, by increasing mobility and including land-use-transportation measures, influences the pattern of this urbanization. The 2004 RTP's influence on growth contributes to regional cumulatively considerable impacts to currently vacant natural land. (8)

Again, we note that while the RTP as a whole may impose significant impacts on vacant natural land at the regional level, this finding does not necessarily represent the impact of individual projects. The influence on the pattern of urbanization varies a great deal by geographic area. In some areas, this influence is negligible, as the adopted plans include the RTP projects, and the programmatic impacts of those projects have been analyzed already by lead agencies. Individual project cumulative impacts will be determined through project level environmental review. (9)

Air Quality

Page 3.4-32, Mitigation Measures. Again, we note that the proposed mitigation measures lie outside the scope of SCAG's enforcement, and rely on implementation by the California Air Resources Board, Air Quality Management Districts, local governments, and project sponsors. (9)

Page 3.4-32, Mitigation Measure 3.4-1b. The first bullet point, HOV measures, should be expanded to include "HOV and its pricing alternatives." This language is consistent with the toll road status in the AQMP. (10)

Biological Resources

Pages 3.7-23 and Page 3.7- 30, Mitigation Measures 3.7-1b, 3.7-1c, 3.7-6d. These mitigation measures should be revised to recognize the project-specific planning efforts that will occur, and allow for development of mitigation measures based on site conditions, geographic area and goals and policies of the lead agency and any relevant resource agencies. (11)

Long Term Effects

Page 5.0, Long Term Effects. The discussion of long-term effects presents a list of significant and unavoidable, significant and irreversible, and growth inducing impacts due to the proposed RTP. We recommend that this section clarify that these impacts are attributed to the RTP as a whole, and the conclusions do not reflect the specific long-term effects of any individual project. Many of those project-specific impacts have already been addressed, either programmatically as part of adopted plans, or through project specific environmental documents. Individual project long-term effects, to the extent they have not been environmentally cleared, will be addressed in detail in the project environmental document. (12)

Figures

Figure 3.1-2, Open Space and Recreation Lands. This map does not include all of the extensive dedicated open space in southeast Orange County. We recommend that SCAG confer with the County of Orange and/or the Orange County Council of Governments for a current map of all dedicated open space in the County. (13)

Rec'd 2/9/04

E-04-0021



County of Orange

Planning & Development Services Department

BRYAN G. SPEEGLE
DIRECTOR

300 N. FLOWER ST.
SANTA ANA, CALIFORNIA

MAILING ADDRESS:
P.O. BOX 4048
SANTA ANA, CA 92702-4048

NCL 04-005

February 9, 2004

Nancy Pfeffer
Southern California Association
of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

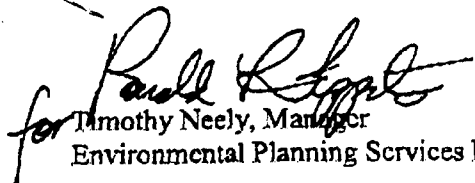
SUBJECT: DPEIR for the 2004 Regional Transportation Plan (RTP)

Dear Ms. Pfeffer:

Thank you for the opportunity to respond to the above referenced project. The County of Orange reviewed the Draft Program Environmental Impact Report (DPEIR) and has no comment at this time. However, we would appreciate being informed of any further developments. ①

If you have any questions, please contact Charlotte Harryman at (714) 834-2522.

Sincerely,


for Timothy Neely, Manager
Environmental Planning Services Division

Rec'd 2/9/04

02

E-04-0022



City of La Habra

*"A Caring Community"***PUBLIC WORKS/ENGINEERING**

201 E. La Habra Boulevard

La Habra, CA 90631

Office: (562) 905-9720

Fax: (562) 905-9643

February 9, 2004

Ms. Nancy Pfeffer

Southern California Association of Governments (SCAG)

818 West Seventh Street, 12th Floor

Los Angeles, CA 90017-3435

**Subject: Comments on the Draft Program Environmental Impact Report (PEIR) for the
2004 Regional Transportation Plan (RTP)**

Dear Ms. Pfeffer:

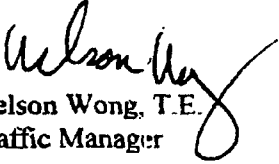
This letter provides comments on the Draft Environmental Impact Report ("DEIR") for 2004 Regional Transportation Project ("RTP") prepared for the Southern California Association of Governments ("SCAG"). The following comments summarize our review:

1. Please provide confirmation that the City of La Habra's compliance with the Orange County Congestion Management Program ("CMP") program, regarding approval of transportation improvements, development projects, etc. also represents substantial conformity with the 2004 RTP. ①
2. It would appear that local transportation improvement projects that are in conformance with the Capital Improvement Program ("CIP") for Orange County are also incorporated in the RTP. Therefore, it is also assumed that the improvement project would be in compliance with Federal air quality mandates. ②
3. Given the inclusion of local General Plans in the RTP analysis, it is presume that development projects that do not require General Plan Amendments would meet SCAG desired RTP goals. ③

Ms. Nancy Pfeffer
SCAG 2004 RTP
February 9, 2004
Page 2 of 2

Thank you for providing the City of La Habra the opportunity to comment on this document. If there are any questions, please contact me at (562) 905-9622.

Very truly yours,
Delfino Consunji, P.E.
Principal Engineer


By: Nelson Wong, T.E.
Traffic Manager

C: Carlos Jaramilla

Rec'd 2/9/04
E-04-0023

February 9, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Re: Draft 2004 Regional Transportation Plan Program EIR

Dear Ms. Pfeffer:

Thank you for the opportunity to review the subject document. Staff has reviewed the document and we have developed comments as noted below. It is understood that the Draft Program Environmental Impact Report (PEIR) is prepared pursuant to the California Environmental Quality Act and it serves as an informational document to inform decision makers and the public of the potential environmental consequences of approving the proposed RTP.

Comments on the PEIR are as follows;

- El Toro Road is a State scenic highway. However, it is not listed in Table 3.6-2 on page 3.63. ①
- Table 3.12-13 lists the Impaired Water Bodies from the 303(d) list. It is noted that while Aliso Creek is not on the list for 2002, it is listed on the 2003 list that was approved in March 2003. ②

Should there be any questions of additional information needed please contact Ted Simon, Engineering Services Manager at (949) 461-3488.

Sincerely,
CITY OF LAKE FOREST

Robert L. Woodings, P.E.
Director of Public Works/City Engineer
25550 Commercentre Drive, Suite 100
Lake Forest, CA 92630

cc: Theodore G. Simon, P.E., Engineering Services Manager

F:\TSimon\trans\2004rtpdeirrevltr.doc

Rec'd 2/9/04

COALITION FOR A SAFE ENVIRONMENT

"The Wilmington Coalition" E-04-0025

140 West Lomita Blvd., Wilmington, California 90744-1223
WilmingtonCoalition @ Prodigy.net 310-609-9198 310-704-1265

02-09-04 10:31:51 AM

February 9, 2004

Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 900017-3435
www.scag.ca.gov
213-236-1800

Re: Draft 2004 Regional Transportation Plan - Program Environmental Impact Report
Destination 2030 - Mapping Southern California's Transportation Future
SCH # 2003061075

Su: Public Comments, Recommendations, Environmental Justice & Mitigation

SCAG:

The Coalition For A Safe Environment (CFASE) wishes to state for the record that our organization has preliminarily reviewed the Program Environmental Impact Report (PEIR) and requests that it not be approved. The PEIR fails to comply with all the specified requirements of the California Environmental Quality Act, National Environmental Protection Act (NEPA), Clean Air Act, Act, Clean Water Act of 1972 Section 404 (33U.S.C. 403), the Rivers & Harbor Act of March 3, 1899 (33U.S.C. 403) Section 10 and Presidential Executive Order # Environmental Justice and several California laws which have Environmental Justice compliance requirements.

①

The PEIR fails to: contain a baseline of all toxic, carcinogenic & hazardous chemical and product sources, an accurate and detailed cumulative impact analysis, public health surveys, morbidity studies, mortality studies & epidemiological studies of all environmentally impacted (hot spot) communities, contain transportation projects which will have no significant environmental, public health or safety impacts, consider all alternative transportation proposals equally, allow all transportation proposals to be subject to a public review & approval process and provide a Mitigation Plan that can correct, minimize, decrease or eliminate all proposed transportation proposals negative environmental, public health and safety impacts and when all information, studies, surveys, assessments, reports, plans and proposals have been individually been subjected to public review and approval.

We are against RTP and PEIR recommendations that the general public bare the majority of construction costs for transportation systems that will primarily benefit private business, foreign manufacturers, international import/export companies, international shipping companies, multinational conglomerates and major retail chains which are manipulating SCAG into passing "cost of doing business" transportation costs for goods movement directly to the general public.

①

In our review the PEIR has significant omissions of required information, misrepresentations of facts, unsubstantiated information, unvalidated data, intentional writing the PEIR and Regional Transportation Plan to benefit private industry by subsidizing their transportation goods movement costs and transferring these costs to the general public, failure to include public presented alternatives, inadequately advertising the RTP/PEIR process, inadequate assessments of cumulative, environmental, public health and safety impacts, unacceptable assessment of environmental injustice and failure to mitigate the significant negative environmental, public health and safety impacts and costs.

②

The RTP and PEIR include assumptions that the SCAG region will meet environmental standards and requirements by referencing the various regional Air Quality Plans and the California State Implementation Plans when in fact both SCAQMD and California EPA/ARB currently acknowledge that we will not meet the current air quality deadlines due to the inadequacies of their current adopted documents. The failure of SCAG, SCAQMD and CAL EPA/ARB to adopt stricter air standards, adopt mandatory equipment changes, increase enforcement, impose higher fines, assessments & penalties, deny business operating permits such as Title V Permits for oil refineries and to support new and stricter legislation will cause us not to meet our federal air quality deadlines.

The PEIR provides no contingency plans in the event that transportation proposals included in the RTP/PEIR do not occur and in the event that SCAG, SCAQMD and State of California etc. fail to meet any current or future environmental standards or requirements.

③

We believe that the Southern California Association of Governments should adopt and consider the Precautionary Principle in all of its actions, reports, studies, plans, projects and PEIR's. The Precautionary Principle states that, "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-effect relationships are not fully established scientifically."

The Coalition For A Safe Environment would like to request that SCAG be required to respond and include the following Public Comments and incorporate the following additional Information, Requests and Mitigation into the RTP/PEIR.

④

1. **Public Comment Period** - The Public Comment Period of 45 days is insufficient time for the public to review the RTP/PEIR, review all referenced & related documentation and to consult with appropriate professionals and technical personnel in order to understand the significant environmental, public health, welfare, economic and safety impacts of the RTP/PEIR.

There are thousands of pages of environmental, business, technical, medical, scientific and legal documentation which need to be reviewed. The public does not have unlimited legal and professional staff resources to adequately review the extensive documentation in a short period of time.

On behalf of the Public Interest we request that the SCAG 2004 RTP and PEIR Public Comment Periods be a minimum of 120 days and extended from the February 9, 2004 Public Comment period..

⑤

2. **Inadequate Public Notice** - There was Inadequate Public Notice of the RTP/PEIR. The long term environmental, public health, welfare, economic and safety impacts of the RTP/PEIR on the public warrants that every SCAG region resident should have been mailed

a minimum of two detailed informational brochures and related documentation in English, Spanish and other languages as necessary.

We request that two detailed brochures be distributed to explain NEPA, CEQA, Environmental Justice requirements, the Public Participation process, the public's right to make public verbal and written comment & recommendations, examples of potential and certain negative environmental, public health, welfare, economic and safety impacts and a referral list of sources of assistance such as governmental agency, university, non-profit organizations and private consultants.

The 1st Brochure Notice should have been mailed 120 days in an advance to allow time to request and review all documentation and to seek assistance.

6 The 2nd Brochure Notice should have been mailed 2 weeks before the Public Comment Deadline as a reminder. A representative of the Port of Los Angeles should have been required to visit various community organizations months in advance to advise the community of the upcoming Public Scoping Meeting, the purpose of the Public Scoping meeting, explain and provide examples of what land use alternatives are, provide examples of what types of information the public can ask to be included in a Draft Environmental Impact Report, what the definition of mitigation is, provide examples of the types of mitigation the public can request and the proposed project proposal environmental and health impacts.

We request that Advertisements should be placed in every local newspaper within a 10 mile radius. All advertisements should appear in the front "A Section" of the newspaper to afford maximum visibility and awareness and not in the classified section which is little read.

We request that several Press Releases should be mailed to every local newspaper, public television station and radio station within a 10 mile radius. Every local newspaper, environmental & health organization publication, public television and radio station both free and paid publishes and broadcasts for free all governmental agency and major business project press release stories. We request that all brochures, advertisements, notices and press releases be posted on a public accessible website.

Press Conferences and Public Forums should have been held in every city and community in the SCAG region. SCAG should have participated in numerous television, cable and satellite talk shows, county fairs, cultural programs, community events, universities and colleges to solicit innovative ideas and recommendations.

SCAG should have sponsored a contest to solicit innovative ideas with different categories such as high school, college, public professional.

- 6 3. **Failure To Allow Adequate Public Review & Approval of each Proposed Transportation Project Proposal** - The RTP/PEIR contains and references numerous independent projects which have not been subject to a public review process or a public approval voting process. The RTP/PEIR proposes and assumes the adoption of multibillion dollar projects over three decades which will have significant financial impacts and demands on all counties and cities in which over 99.9 % of the public did not have the opportunity to be informed of, to study, to question, to make recommendations, to submit alternatives or vote on.

4. **Request For Detailed Transportation Project Construction & Operation Cost Information** - We request that the RTP/PEIR/Addendums contain estimated or actual construction cost and the long term operations costs information for each project and activity so that the public can assess the proposed need, contribution, value and cost.

We request that the RTP/PEIR contain a Financial Profit Cost Analysis (FPCA) and an Community Economic Impact Assessment (CEIS) for all proposed Transportation Projects.

① An FPCA and CEIA could reveal that the public, the members cities, counties, the State of California and the American public are actually incurring a financial loss and that only the foreign terminal operators, foreign shipping companies and foreign manufacturers and suppliers are profiting.

The cost of public health care alone each year due to air pollution has now been estimated to be over a billion dollars. The cost of environmental clean-up is several billion to the taxpayers.

The cost of transportation infrastructure improvement in Los Angeles County for the Long Beach Freeway alone is estimated to be \$ 5 billion. The public also has a right to comment and approve the use of public funds prior to any final project approval and expenditure.

5. **Request For New Transportation Technologies Information & Automated Intermodal Systems** - We request that the RTP/PEIR contain information regarding any new technologies that will be used to reduce or eliminate any negative environmental and public health impacts, reduce are dependency on limited world supplies of fossil fuels, increase energy efficiency and increase production, handling, movement or throughput.

② The public has a right to know if what proposed projects and activities will incorporate any new transportation, energy efficient, space saving or automated intermodal handling technologies that will decrease or eliminate any negative environmental and community public health impacts.

Based on the information provided the majority of the proposed projects will be using the same outdated handling and non-automated intermodal handling and transportation system technologies currently being used. The RTP/PEIR has provided little to no evidence of optimization, handling efficiency or maximization of existing transportation means.

Diesel trucks, ships, trains and intermodal operating equipment contributes to significant environmental pollution, public health and safety problems. Increased truck and train transportation contributes to significant local traffic congestion and public roadway disintegration.

The RTP/PEIR has provided no evidence or guarantee that the transportation proposals will decrease the significant environmental, public health and safety impacts. The RTP/PEIR includes no assurances from private industry that they will utilize the proposed transportation good movements proposals. The multibillion dollar Alameda Transportation Corridor is currently a failure. It is only operating at a 30%-35% capacity because businesses refuse to use it.

Increased railway use contributes to more trains blocking Wilmington street and more diesel train air pollution in Wilmington residential areas. Will TraPac Terminal be using electric trains, alternative fuel trucks and equipment?

⑧ The RTP/PEIR for example supports Port growth and expansion, yet provides no evidence that any Port program has decreased significantly any air pollution or reduce diesel truck or train traffic in the local communities. The failure of the Port to design or purchase an automated real time intermodal unloading and immediate delivery system will only continue to cause significant air quality and transportation problems. Most Port terminal projects primarily create more backland storage space. While Ports claim to return 3,000-4,000 empty containers on each return ship, there are still millions of empty containers stored throughout the US that will never be returned.

⑨ 6. **Request For SCAG to Sponsor Regional Business Industry & Transportation Growth Moratoriums Conference** - We request that SCAG sponsor public conferences to discuss Regional Business & Transportation Growth Moratoriums prior to approval of SCAG transportation projects. SCAG has never sponsored one public meeting, forum or conference to solicit public opinion on possible moratoriums..

⑩ 7. **Request To Include A Disclaimer Note To Indicate No Government Agency Approval** - We request that SCAG include a disclaimer which states that the RTP/PEIR reports/application/information/studies/tables etc. which are included or referenced may not conform to, have not been reviewed, have not been validated or approved by any government agency and may not comply with NEPA, Clean Water Act, Clean Air Act, CEQA, California Health Codes, Environmental Justice legal requirements or other agency referenced.

⑪ 8. **Request To Include Accurate Residential Communities Proximity Information** - We request that the RTP/PEIR contain accurate residential community proximity information to SCAG proposed projects. We request that the RTP/PEIR use a minimum community impact area zone of a 10 mile radius of a SCAG project.

⑫ 9. **Request To Include Site Specific Noise Test Information** - We request that SCAG contain accurate site specific noise test information for residential communities proximity to SCAG projects. Past RTP's/PEIR's fail to state how close residents live to existing industries and proposed projects. Exclusion of this information gives the reviewing governmental agencies and readers the impression that the public does not live close, hence they are not being impacted.

⑬ 10. **Request RTP/PEIR to Include Comprehensive Public Health Effects Form Air Pollution Information:** Past RTP's/PEIR's fail to disclose that medical and scientific research has identified over 30 different serious and life threatening health problems caused by air pollution. Past RTP's/PEIR's fail to disclose that there are hundreds of medical and scientific studies which have been completed confirming the public health dangers and death potential of air pollution and exposure to diesel fuel exhaust.

11. **Typical RTP/PEIR Mitigation Measures Deficiencies -**

Construction Impacts:

⑭ ↓ 1. **Apply two-degree injection timing retard to inter-cooled diesel engines wherever**

14 possible - We have interviewed numerous individuals who have worked in various capacities in construction and not one knew of one instance where this requirement was performed currently or in the past. SCAG has never made this a mandatory requirement in any of its contractor, subcontract or supplier contracts. Statements such as "feasible measures which could be implemented", "wherever possible" provide no guarantee of compliance.

Most heavy construction equipment is rented or leased and this requirement has never been mandated in any rental or lease agreement. This requirement is possible in every type of this equipment. Past RTP's/PEIR's have provided no implementation, monitoring, assessment or compliance program information for type of mitigation proposal.

15 2. **Require contractors to use reformulated diesel fuel wherever possible** - This requirement has never been made a mandatory contractual requirement. This requirement is possible in every instance where diesel or bunker fuel is used. There are local suppliers of bio-diesel fuel (currently the Best Available Technology (BAT) diesel fuel), CNG, LPG and LNG who can meet this requirement. Past DEIR's/EIR's have provided no implementation, monitoring, assessment or compliance program for this type of mitigation proposal.

16 3. **Minimize concurrent use of equipment through equipment phasing** - Past SCAG, county and city projects have never considered this measure. All construction projects follow the exact same construction phases and equipment uses and rarely consider any other possibility. A project can identify specific instances of where and how this could be implemented. To be successful SCAG would have to provide a monitoring, assessment or compliance program.

17 4. **Discontinue construction during Phase II smog alerts** - SCAG and past RTP's/PEIR's have not considered this measure. SCAG would have to provide an implementation, monitoring, assessment and compliance program. SCAG has never stopped any business or construction project during a SCAQMD or other AQMD smog alert.

18 5. **Require contractors to use electric-powered dredges for hydraulic dredging** - SCAG and past RTP's/PEIR's have stated that they would use electrical dredges yet they are currently using a diesel powered dredge at the China Shipping terminal construction project. SCAG to our knowledge has never required a contractor in the past to use an electrical dredge. SCAG and past RTP's/PEIR's do not state that this will be a mandatory contractual requirement.

It is a fact that almost any type of existing petroleum based fuel motor can be replaced with an electric motor. One additional SCAG mitigation measure could be to reimburse the cost to retrofit a dredge for this project. SCAG and past RTP's/PEIR's provide no implementation, monitoring, assessment or compliance program for this mitigation proposal.

19 6. **Require contractors to use turbo-charged and inter-cooled diesel engines wherever possible** - SCAG make this a mandatory contractual requirement on all projects. This requirement is possible in many vehicle and equipment categories.

- 19 SCAG provide an implementation, monitoring, assessment or compliance program for this type of mitigation proposal.
- 20 7. **Turn off engines when not in use** - SCAG make this a mandatory requirement on all projects. The construction industry is notorious for leaving vehicles and equipment running when not in immediate use. SCAG provide an implementation, monitoring, assessment and compliance program for this type of mitigation proposal. Changing the bad work habits of construction workers will require the major re-training of all construction personnel and strict monitoring. This requirement would require a full time on-site compliance officer.
- 21 8. **Encourage ride sharing and mass transit among construction workers** - SCAG make this a mandatory requirement on all projects. SCAG provide an implementation, monitoring, assessment and compliance program for type of mitigation proposal. Changing the travel habits of construction workers will require the major recruiting of volunteer construction personnel.
- The General Contractor may have to allow a later start time for those taking public transportation such as a bus or train which normally start their earliest run at 5:00am. Another major side benefit is that this measure would encourage the hiring of local residents which would help the local community economy. Wilmington has one of the highest unemployment rates in the city. This measure will require a significant incentive program commitment, bus/train token cost reimbursement, van or shuttle support program.
- 22 9. **Water surfaces before grading** - SCAG provide an implementation, monitoring, assessment and compliance program information for this type of mitigation proposal. Many projects will literally be across the street from residential homes, public schools and public facilities.
- 23 10. **Suspend grading and demolition activities when wind speeds exceed 25 mph** - SCAG provide an implementation, monitoring, assessment and compliance program for this type of mitigation proposal.
- 24 11. **Water exposed surfaces at least twice daily to maintain surface crust** - SCAG provide an implementation, monitoring, assessment and compliance program information for this type of mitigation proposal.
- 25 12. **Treat unattended construction areas with soil stabilizers** - SCAG provide an implementation, monitoring, assessment and compliance program information for this type of mitigation proposal.
- 26 13. **Restrict off-road vehicle use** - SCAG provide an implementation, monitoring, assessment and compliance program information for this type of mitigation proposal.
- 27 14. **Reduce on-site vehicle speed to less than 15 mph** - SCAG provide an implementation, monitoring, assessment and compliance program for this type of mitigation proposal.

Operations Impacts:

25 | A. **The captive fleet of off-road diesel-powered terminal equipment must be composed only of equipment that meets the requirements of the EPA's control of Emissions of Air Pollution From Nonroad Diesel Engines & Fuels proposed Rule proposed Rule** - SCAG provide an implementation, monitoring, assessment and compliance program for this type of mitigation proposal.

29 | B. **Apply two-degree injection timing retard to inter-cooled diesel engines wherever possible** - We have interviewed numerous individuals who have worked in various capacities in construction and not one knew of one instance where this requirement was performed currently or in the past. SCAG has never made this a mandatory requirement in any of its contractor, subcontract or supplier contracts. Statements such as "feasible measures which could be implemented ", "wherever possible" provide no guarantee of compliance.

Most heavy construction equipment is rented or leased and this requirement has never been mandated in any rental or lease agreement. This requirement is possible in every type of this equipment. Past RTP's/PEIR's have provided no implementation, monitoring, assessment or compliance program information for type of mitigation proposal.

30 | C. **Require the use of reformulated diesel fuel & exhaust control technology for diesel-powered terminal equipment wherever possible** - This requirement has never been made a mandatory contractual requirement. This requirement is possible in every instance where diesel or bunker fuel is used. There are local suppliers of bio-diesel fuel (currently the Best Available Technology (BAT) diesel fuel), CNG, LPG and LNG who can meet this requirement. Past RTP's/PEIR's have provided no implementation, monitoring, assessment or compliance program for this type of mitigation proposal.

31 | D. **Schedule truck traffic for off-peak hours** - SCAG provide an implementation, monitoring, assessment and compliance program information for this type of mitigation proposal.

E. **Encourage ride sharing and mass transit among operational personnel** - SCAG make this a mandatory requirement. SCAG provide an implementation, monitoring, assessment and compliance program for type of mitigation proposal. Changing the travel habits of construction workers will require the major recruiting of volunteer construction personnel.

32 | The General Contractor may have to allow a later start time for those taking public transportation such as a bus or train which normally start their earliest run at 5:00am. Another major side benefit is that this measure would encourage the hiring of local residents which would help the local community economy. Wilmington has one of the highest unemployment rates in the city. This measure will require a significant incentive program commitment, bus/train token cost reimbursement, van or shuttle support program.

33 | 12. **SCAG RTP/PEIR Environmental Justice (EJ) & Civil Rights Violations & Deficiencies**

- SCAG has failed to comply with Presidential Executive Order 12898 on Environmental Justice, the State of California five approved laws which include environmental justice legal and mandatory compliance requirements, Title VI of the Civil Rights Act of 1964 and numerous other federal and state agency Environmental Justice policies.

33 SCAG in the past and present continues to engage in environmental injustice, environmental racism, environmental inequity and environmental classism against Hispanic, Black, majority minority, low income, high unemployment and high poverty community in its policy making, public notification, public participation, public education, project site location, project cumulative environmental and health impacts, failure to mitigate all environmental & health impacts, failure to consider & include community proposed alternative land uses, failure to implement numerous possible air pollution, land & water controls, failure to allocate sufficient funds to prevent environmental pollution, failure to hire extra Port police to enforce illegal traffic in the community, failure to investigate & verify the legality of off-port container storage yards, failure to clean-up community blight, failure to investigate & conduct public health research, failure to conduct on-site air quality studies, failure to provide for public health care, failure to conduct a community negative economic impact study, failure to equally invest in community waterfront redevelopment and failure to select Hispanic and minority contractors. There are hundreds of blatant examples of SCAG discrimination, negligence and obfuscation.

- 34 13. **Past RTP's/PEIR's Health Risk Assessment (HRA) Data & Conclusions Are Unvalidated** - We challenge the validity of the findings and conclusions which typically conclude and state that all alternatives would not cause a significant health impact to surrounding communities. Most study data used by SCAG is based on outdated information, incomplete information and on computer models. Most HRA studies are based on cancer deaths and do not include non-cancer caused deaths, illnesses and disabilities. SCAG has never conducted one project site-specific scientific or medical study in the region to determine its existing current impact on any of the bordering community populations.

The HRA information typically does not reference or include all of the following medical or scientific studies and all the potential health impacted population groups which are necessary for a complete, accurate and valid HRA Study.

A. Medical & Scientific Studies

- A. Mortality Study
- B. Morbidity Study
- C. Epidemiology Studies
- D. Public Health Surveys
- E. Air Quality Testing in Hot spots
- F. Non-Drinking Water Quality Testing
- G. Land & Water Contamination From Air Pollution

II. Population Groups

- A. Hispanic, Black Ethnic Minority
- B. Low Income/Poverty Communities
- C. Los Angeles Harbor & Surrounding Community Residents
- D. Los Angeles Harbor & Surrounding Business Owners & Employees

- E. Port of Los Angeles Employees
- F. POLA Contractors, Subcontractors & Suppliers
- G. POLA Tenant Employees, Contractors, Subcontractors, Suppliers
- H. POLA Labor Unions Employees ie. ILWU, CTA, Teamsters
- I. Populations Bordering all truck & train transportation corridor routes
- J. Populations bordering the East Los Angeles Rail Yard

34 The above referenced studies are necessary to establish an accurate baseline of the current health status of populations bordering and near the SCAG proposed projects, the Project Site and Off-Port Site Transportation Corridor Routes prior to the establishment of estimates and conclusions. The estimates must also take into account predicted population growth and industry growth

In the last 90 days the SCAQMD has released several reports and news releases stating that the air quality in the SCAQMD region is in fact getting worse and this year we have exceeded the number of days in non-attainment from last year. The American Lung Association has also released reports stating that Asthma in children is getting worse every year in Los Angeles County and the amount of children affected is doubling every 10 years.

The SCAQMD has identified the Port of Los Angeles as the # 1 largest air pollution source in Southern California. The California Air Resources Board (CARB) last year completed a one-year air study at Wilmington Park Elementary School which borders the POLA. A preliminary review of the CARB Wilmington Study data revealed that 26 Carcinogenic Chemicals and 39 Toxic Chemicals were found in the Wilmington communities air.

- 35 14. **SCAG Destruction of Coastal Wetlands & Migratory Bird Habitat** - SCAG has unconditionally supported Port's growth. While Ports are in compliance to their Port Master Plans they have failed to establish a Wetlands & Bird Habitat Restoration Plan. SCAG and Ports have failed to solicit and include public recommendations and land use alternatives suggestions. This has resulted in the loss of approximately 95%+ of Los Angeles and Long Beach Harbors Coastal Wetlands & Migratory Bird Habitat.

The Wilmington community has however, proposed the destruction and removal of the DAS import car parking in Consolidated Slip lot in favor of creating and restoring a coastal wetlands area. The Wilmington Leeward Bay Promenade, Marina & Wetlands Project and The Dominguez Channel Wetlands & Wildlife Preserve has been presented to POLA on numerous occasions.

- 36 15. **SCAG Degradation of Ocean Water Quality** - The POLA is one of the primary causes of the degradation of Ocean Water Quality in the Los Angeles Harbor and throughout the San Pedro Bay. The water color is typically a dark green to a brownish hue, when it should be a light green to blue. The water typically has an oily-fuel-decaying smell. The water clarity is typically murky and cloudy, when it should be crystal clear to a depth of ten feet or more. The Port has not established a comprehensive Ocean Water Restoration Plan

Cabrillio Beach which borders the POLA receives an " F " Grade in water quality every month for many years. The degraded water quality is caused by thousand of tons of particulate matter & other chemicals settling in the waters, illegal bilge dumping, oil & fuel spills/leakage, terminal water run-off which contains asphalt, concrete, worn rubber from tires from the over 20,000 diesel truck trips a day entering the Port, the 49 million containers per

year which undergo continual paint deterioration and non-stop Port construction projects which will continue for the next 20 years.

36 It is also caused by the Port built breakwater which prohibits the tidal flow to enter the Harbor and remove contaminates. It is caused by the loss of water acreage due to backlands creation, land fills, island creation and dock building. It is also caused by the increases ship traffic and docking in a limited and decreasing area, in which estimates that the POLA will triple in size in the next 15-20 years.

The Wilmington community has proposed the building of an Ocean Water Reclamation Facility in the Consolidated Slip and in other Port locations to be determined.

- 37 16. **SCAG Contribution to the Decimation of Streams, Rivers, Lakes, & Oceans Fish, Sea Life, Breeding Habitats & Aquatic Eco-System** - SCAG RTP's/PEIR's contribute to the decimation of the native fish population, the contamination and loss of local fish, shell fish, plant & plankton sea life, sea animal and bird breeding habitats and the coastal aquatic eco-system. The California Sea Lion, Harbor Seal, Least Tern and Brown Pelican are endangered species. SCAG has failed to establish and require stream, river, lake and ocean Aquatic Eco-System Restoration Plans.

Port construction and major changes to the San Pedro Bay have caused the loss of over 99% of coastal tidelands, wetlands, marine and wildlife habitat. The losses and causes include: elimination of coastal tidelands, elimination of shallow water foraging, loss of benthic fauna, the permanent alteration of the coastal bottom topography, loss of deep water habitat, thousand of tons of particulate matter & other chemicals settling in the waters, illegal bilge dumping, oil & fuel spills/leakage, terminal water run-off which contains asphalt, concrete, worn rubber from tires from the over 20,000 diesel truck trips a day entering the Port, the over 25 million containers per year which undergo continual rust & lead paint deterioration and non-stop Port construction projects which will continue for the next 20 years.

Ports built breakwaters prohibits the tidal flow to enter the Harbor and remove contaminates. It is caused by the loss of water acreage due to backlands creation, land fills, island creation and dock building. It is also caused by the increases ship traffic and docking in a limited and decreasing area, in which estimates that the POLA will triple in size in the next 15-20 years.

- 38 17. **Mitigation Request - RTP/PEIR Include a Community Aesthetic Plan** - We request that the SCAG establish a Community Aesthetic Plan for all projects.. The Port hold public meetings for the identification of opportunities for retainment, restoration and enhancement of community aesthetic views, California's coastal trail, coastal tidelands, wetlands, natural aquatic and wild life eco-systems.

- 39 18. **Mitigation Request - RTP/PEIR Include a Public Emergency & Disaster Response Plan** - We request that the SCAG establish a Public Emergency & Disaster Response Plan for worst case scenarios near any proposed project or recommended expansion. The Public has a right to know the dangers that exist in the community due to disasters or accidents, the potential impact to their health & safety, what to do under various danger levels & scenarios, where emergency shelters are located, emergency exists routes out of the community and what governmental emergency assistance will be available.

- 40 19. **Mitigation Request - RTP/PEIR Not Allow Any Off-Site Mitigation** - We request that any Mitigation for any project be mitigated within the community(ies) most impacted.
- 41 20. **Mitigation Request - RTP/PEIR include a Nature Preservation & Restoration Plan & Trust Fund** - We request that the SCAG establish an annual \$ 50 million nature preservation and restoration trust fund . This will be used to protect, include, preserve and restore any nature pathways, migratory routes, wetlands, tidelands, streams, rivers, oceans, marine and migratory bird habitats impacted by proposed projects.
- 42 21. **Mitigation Request - RTP/PEIR Include a Tsunami Assessment Study & Plan** - We request that SCAG study and consider a Tsunami worst case scenario and prepare a public safety contingency plan for those projects near the ocean.
- 43 22. **Mitigation Request - RTP/PEIR Include an Earthquake & Seismic Danger Assessment Study & Plan** - We request that SCAG study and identify all earthquake faults worst case scenarios and possible seismic vibration from trains, truck traffic and intermodal facilities and prepare a safety and minimizing impact plan.
- 44 23. **Mitigation Request - RTP/PEIR Include a Project Global Warming Impact Assessment Study & Plan** - We request that SCAG include a Transportation Project Global Warming Impact Assessment Study and Plan. The SCAG region is probably the largest environmental polluting source in the United States and our region represents a significant impact on Global Warming. Air pollution darkens clouds, land, snow and water causing an increase in temperature which increases the amount of snow melt thereby rising ocean levels. Warmer lands and warm water disrupts wildlife, insect, flora and marine habitats.
- 45 24. **Mitigation Request - RTP/PEIR Include Air, Water & Land Quality Baseline, Compliance & Monitoring Program** - We request that SCAG establish individual project air quality plans, project on-site and off-site air, water and land quality studies, an updated toxic chemical pollution inventory, an environmental quality compliance program, monitoring program and a baseline prior to beginning construction of any project. Air Quality District and CAL EPA/ARB air quality data is typically based on averages and models and not on real time impacts. Sensitive Receptors are most impacted by a high peak during the day which can be diminished with a 24 hr. average calculation or computer model system.
- The local project community environment should be monitored daily during construction and during future daily business operations in order to establish a historical record.
- The air quality program shall establish a plan to take action when the air quality exceeds local, regional, state or federal standards. The actions shall include but not be limited too halting part or all construction work, limiting truck/vehicle traffic, operating equipment, hours of work/operation and notification of the public.
- 46 25. **Mitigation - RTP/PEIR Include a Public Health Care Trust Fund** - We request that SCAG establish an annual \$ 100 million Public Health Care Trust Fund that the public and health care facilities can access for payment of non-prescription, prescription medicines, medical supplies, medical equipment, home air purifiers & ventilation systems, medical care transportation, short term and long term health care costs.

\$ 5 million will be allocated annually to purchase new Air Purification & Ventilation Systems

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for homeowners and residents which do not have them in order for families, children and senior citizens to breath healthier and cleaner air. The funds will first be used by communities closest to SCAG transportation projects. When all homes have been retrofitted, the funds will then be allocated to non-profit organization offices or buildings which is serving the public ie. senior citizen centers, park recreation centers, museums etc..

Public non-profit public health organizations, community medical clinics, free clinics, county government public health agencies and hospitals should not be burdened with the financial responsibility to pay for health care costs caused by SCAG projects. All Los Angeles County hospitals are having major staff and healthcare services cutbacks (Los Angeles Harbor General Hospital, Martin Luther King/henry Drew Medical Center and Long Beach Memorial Hospital) due to health care costs arising from transportation and goods movement.

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26. **Mitigation Request - RTP/PEIR Include a Public Environmental Care Trust Fund** - We request that SCAG establish an annual \$ 25 million Public Environmental Mitigation Trust Fund, that the public, non-profit organizations and government agencies can access to address and correct any short term or long term negative environmental impacts from SCAG projects impacts to residential homes, property, vehicles, air, land, fresh water, ocean water, natural resources, wildlife or quality of life..

- 48
27. **Mitigation Request - RTP/PEIR Include a Public Community Health Survey** - We request that SCAG immediately fund a three year SCAG Regional Public Community Health Survey to determine the number people afflicted with a health problem which may be attributed to current transportation, intermodal and shipping industry.

28. **Mitigation Request - RTP/PEIR Include a Diesel Truck Alternative Fuel/Oxidation Catalyst/Particulate Trap Plan** - We request that SCAG establish an annual \$ 25 million fund and plan for the phase out of using diesel fuel trucks, vehicles, trains and yard equipment (road, non-road & stationary equipment) and retro-fitting with oxidation Catalyst/Particulate Traps. Numerous businesses can relatively easily switch to non-polluting or less polluting fuels such as: bio-diesel fuel (the current Best Available Technology (BAT) fuel), CNG, LPG, LNG or electric energy etc..

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We want all Ports to incorporate in its leases that all terminal operators, shipping companies and all lease tenants require all their subcontracted or leased common carriers and owner operated diesel trucks use alternative fuels such as: bio-diesel fuel, CNG, LPG, LNG or electric energy etc..

We want all Ports, their terminal operators and shipping companies fund and retrofit all subcontracted and leased motor carrier and owner operated diesel trucks with Oxidation Catalysts or Particulate Traps.

We request that this requirement shall also apply to all construction subcontractors and suppliers. Most construction contractors and subcontractors rent or lease construction related equipment (trucks, tractors, backhoes, power generators, air compressors etc.) which use diesel fuel.

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29. **Mitigation Request - RTP/PEIR Include Ship Bunker Fuel Alternative Fuel & Oxidation Catalyst/ Particulate Trap/Stack Bag Technology Plan** - We request that SCAG endorse that Port terminals, shipping companies, common carriers, ships transporting

containers, bulk cargo or liquid products use alternative fuels which are non-polluting or less polluting such as Bio-Diesel Fuel, CNG, LPG or LPG.

50 We request that SCAG endorse that Ports, its terminal operators and shipping companies fund and retrofit all owned, leased or rented ships with Oxidation Catalysts, Particulate Traps or Stack Bag Technology which can reduce up to 80% of ship air pollutants. Funds can come from Port profits, a new per ship, truck, container, bulk or single item product fee.

- 51 30. **Mitigation Request - RTP/PEIR Include Alternative Solar Energy Plan** - We request that SCAG establish an Alternative Solar Energy Plan. The plan shall include incorporate the usage of solar energy panels on all buildings, roof tops, freeways and railways to help reduce our dependency on fossil fuels.

The plan shall include the phase-in of DC electricity operated equipment such as HVAC air & heating, indoor/outdoor lighting, traffic signals, office equipment, appliances and hand tools etc. The plan shall also include a budget to pay for the cost of equipment conversion.

31. **Mitigation Request - RTP/PEIR Include a Truck, Train, Container, Ship, Rail & Bridge Traffic Study** - We request that SCAG conduct a truck, train, container, ship, rail and bridge traffic Community Impact & Safety Assessment Study. The study shall include both a local and regional impact analysis.

The study shall include intersection capacity utilization, accurate truck & rail distribution distances, routes and idling time. We want to know more specific details such as: how old, what is the maximum capacity, life use aging analysis, how many, how long, how may per hour, how many per route and a percentage by category breakdown. The study shall include all regional Congestion Management Program and City Thresholds Manual.

We want the average truck length and idling time to be based on known verified destination distances ie. East Los Angeles freight-rail yard & including the distribution centers in Riverside & San Bernadino).

52 The study shall include an analysis of existing traffic infrastructures to determine their current capacity and safety status. For example, many Port trucks are now use the bridge at Pacific Coast Highway in Wilmington which crosses the railway between Eubank Ave. on the west and Watson Ave. on the east. This bridge was not constructed to handle large weights and continuous diesel truck usage. A safety inspection should be immediately made to determine if it can handle the increasing truck traffic.

The study shall include truck impact on all local bridges. LA Port trucks have currently taken over the two public bridges going from Wilmington to San Pedro and Long Beach . It can take 30 - 45 minutes or longer to drive through the two bridges now due to the fact that LA Port trucks are now taking a short cut to the LA Harbor I 110 Freeway and are lined up back-to-back on the bridges and access roads. It used to take 10-15 minutes to cross both bridges when there was primarily only car traffic. There are also now numerous truck breakdowns on the bridges due to older trucks breaking down. It was the daily local Harbor worker and residents who financed the payment of the two bridges not the Port.

The study should consider the expansion of the Alameda Corridor to include truck lanes and construction of underground transportation tunnel corridors outside the local Port of Los

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Angeles boundaries. An underground transportation tunnel network could extend to north to Ventura County, east to Riverside County and south to San Diego County etc.. A fee per container/bulk product could pay for construction costs.

32. **Mitigation Request - RTP/PEIR Include a Vehicle Traffic Routing Plan, Parking Plan & City Code Education** - We request that SCAG establish a project Traffic Routing Plan, Parking Plan and City Code Compliance Education Class. This shall include project vehicles, employee vehicles, contractor, subcontractor, suppliers and contracted labor.

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The plans objective will be to have the least impact on the local residential communities, schools and businesses. The purpose of the class will be to inform all parties of the city codes regarding prohibited truck routes in residential communities, the prohibition of detaching & leaving chassis, trailers and equipment, public parking restrictions, illegal dumping of trash, oil & parts and failure to report damaging personal and public property (ie. hitting resident parked cars, resident fences, city trash barrels, running over and damaging street sidewalks/curves and public street signs etc.).

33. **Mitigation Request - RTP/PEIR Include Container Storage Yards Permit Verification** - We request that SCAG verify that off-Port property container storage yards provide evidence that the storage yard has a proper business permit or license. This requirement shall be included in all leases and contracts.

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A recent 2003 City of Los Angeles investigation of container storage yards in Wilmington revealed that there were 16 illegal container storage yards in operation all bordering or near residential homes and schools. They store containers from both the Port of LA and Long Beach. All one has to do is drive by and read the name of company in huge bold letters.

We additionally request that the lease or rental agreement limit the time that an empty container can stay at one storage location to a maximum of 90 days. Computers can track storage time by container number. We also request that a fee be imposed of \$ 100 per day for every container stored over the 90 day limit and that containers be removed and destroyed after 120 days at the owners expense if they have not been moved.

We request that all Terminal Tenants be required in their contracts to accept back all empty containers that they ship into the USA within 90 days. Communities should not be burdened with container storage blight, traffic and roadway degradation caused by SCAG sanctioning of Port expansion.

34. **Mitigation Request - RTP/PEIR Include a Plan For the Hiring of Additional Port/City/County Police** - We request that SCAG prepare a plan for the hiring of additional Police and extra security to enforce our city laws and to protect community during construction. For example at present the Ports do not have sufficient Port Police to enforce our laws which prohibit: trucks driving through residential areas, making illegal turns, making illegal U-turns in the middle of the street, blocking street intersection while trying to enter small gas station, driving over sidewalks, hitting parked cars, hitting/running over stop, speed limit & other signs, unhitching & leaving chassis with a container, parking & leaving refrigerated containers running, have proper licenses or insurance or meet safety standards.

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Violations are witnessed on a daily basis which affect the safety of our lives, our homes,

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communities, our local environment and quality of life. We additionally request that Port Police, City Police and security be stationed at high traffic intersections and near schools to protect the public and our children.

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35. **Mitigation Request - RTP/PEIR Include a Construction & Traffic Management Plan Distribution** - We request that SCAG prepare and distribute a Construction Plan Brochure and Traffic Management Plan to every resident within a 10 mile radius of a project. The Construction Plan Brochure shall include contact information, project construction information, environmental & health impact information, description & availability of various studies, plans and reports, availability of environmental & health trust funds, of construction milestone chart, emergency information, information on how to file a complaint, compliant process information and traffic routing information. The Traffic Management Plan will provide the public of information regarding construction and operation traffic routes, designated truck parking areas, hours of operation and where and how to file complaints regarding residential area restrictions vilocations.

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36. **Mitigation Request - RTP/PEIR Include a Construction Project Fugitive Dust & Community Cleaning Plan** - We request that SCAG prepare a Construction Project Fugitive Dust, Trash & Compliance Plan.

The Construction Plan shall include the installation of fugitive dust barriers around the project site perimeter, large pollution sources, covers on open bed trucks or trailers that carry dirt and trash. It shall also identify truck routes, container storage yards, diesel truck repair, storage and sales yards in the community. It shall also provide for neighborhood street, vehicle, residential home or business cleaning as necessary.

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37. **Mitigation Request - RTP/PEIR Include a Construction Hazardous Waste Management Plan** - We request that SCAG establish and prepare a Construction & Operation Hazardous Waste Management Plan. The plan shall include the elimination or limiting of the use of high VOC and toxic chemical products. The plan shall establish an approved construction & office products, supplies and materials list. The study shall evaluate: paints, varnishes, stains, sealers, compounds, treated lumber, composite wood panels, packaging, plastics and fabrics.

We additionally request that the plan address the proper disposal of empty and used cans, buckets, containers, packaging, brushes, rags, gloves etc. which contaminate our land fills with hazardous chemicals which may also sink and contaminate our water wells, aquifers, lakes and rivers.

We additional want a plan for the proper washing of paint brushes, rollers, spray guns and their attachments. Most of the time workers clean them via a hose over the open ground.

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38. **Mitigation - RTP/PEIR Include a Construction Contractor Penalty & Fine Program** - We request that SCAG establish construction contractor, subcontractor, supplier and employee penalty and fine program for violating SCAG and other government agency established public environmental and health protection programs.

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39. **Mitigation Request - RTP/PEIR Include a Regional Greening Plan** - We request that SCAG establish a project and region wide Property Greening Master Plan. We propose to help beautify and re-oxygenate our communities air by maximizing landscaping with the

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planting of trees, shrubs and flowers at every available location. Every building, roof, parking lot and empty space is a potential location. We request that the Port designate land for community parks and botanical gardens wherever possible throughout the Harbor communities. Marine Ports and airports are literally a concrete and black top cemetery.

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40. **Mitigation Request - RTP/PEIR Include a Project Rain Water & Watershed Discharge Capture Plan** - We request that SCAG establish a rain water and run off capture plan that can recycle water for landscaping watering and other potential uses. Roofs of building, storage facilities and rest shade areas can be designed to capture rain water and store it for future use. Every water run off and discharge water source should be assessed to determine if it can be captured, recycled or prevented from contaminating the ocean or watershed. Black asphalt paving, truck & vehicle tire shedding and worn pulverized tire dust are a major source of water pollution.

41. **Mitigation Request - RTP/PEIR Include Community Train & Port Noise Study & Sound Proofing Plan**- We request that SCAG conduct a Community Noise Study & Sound Proofing Plan. We request that SCAG fund the sound proofing of all residences, schools, businesses, park buildings, community public buildings, senior citizen centers, rest homes, child care centers, hospitals etc. in the Los Angeles Harbor area. At night noise from the transportation corridors can be heard from miles away. Sound deadening barriers, noise suppression equipment can be installed on almost every type of facility, truck, train and operating equipment. Operating equipment should be placed as far away from residential areas and schools.

Trucks and trains pass through residential communities all hours of the day and night. The number of trucks and trains has been increasing every year with Port expansion. Currently over 42,000 trucks trips a day are passing through Harbor area communities transporting over 10 million containers a year. By the year 2025 this will be increasing to over 121,000 trucks and over 49 million containers per year.

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There are thousands of train trips per year passing through Los Angeles and Riverside residential communities. A typical train load carries 200 train cars. Trains leave almost every Port terminal. On Friday November 14, 2003 a train derailed in Wilmington in the residential community. Cranes were brought in to lift the train to put it back onto the track.

The railroad company did not report this to any newspaper, did not send a representative to any community organization or resident home and did not compensate the local residents for this disturbance of a peaceful and a safe sleep. The community has no idea if the train that derailed contained any hazardous chemicals or materials or posed any harm. It is even possible that they did not even report the incident to the City or Port police. Train horns should be limited at night when the public is sleeping and when passing by schools. At the present train horns can be heard after midnight regularly and honking repeatedly for over an hour at a time, this should be avoided whenever possible.

Trains idle for hours in and near residential and school areas which border the rail road tracks. On Saturday afternoon October 11, 2003 two train engines not connected together and at different rail line ends were recently timed and photographed idling for over two hours at the Pacific Coast Highway Bridge near Banning Park and behind residential homes. Trains use diesel fuel and residents can smell diesel exhaust from trains idling, connecting, disconnecting, switching tracks, engine changing and while they are passing by.

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Resident homes and small businesses shake and vibrate during the entire time a train is nearby from the seismic ground vibration caused by trains. Train tracks should have some type of ground vibration dampening materials and be constructed with continuous seamless welded tracks.

42. **Mitigation Request - RTP/PEIR Include a Community Light Pollution & Public Health Study** - We request that SCAG conduct a Community Light Pollution & Public Health Study. The study shall as a minimum include: research on the impact of extended night light exposure, amount of light generation, short & long term public exposure effects, impact on children health and school study habits etc..

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We request that all ports, airports, intermodal facilities, railways, stations establish a plan to minimize the impact of light on the neighboring communities at night. There are significant amount of lights left on all night even when there is no work at a major transportation and goods movement sources. If a Port terminal, intermodal facility or airport is operating at night there are lines of diesel trucks, airplanes or traffic coming and going in all directions.

At night Wilmington and San Pedro looks like a lighted football field miles away on the freeway. Wilmington and San Pedro are reaching the point that they will have no more beautiful starry nights. Aircraft and space shuttle pilots claim that they can also see the Port from hundreds of miles away.

We request that SCAG research and purchase alternative types of lighting fixture designs, new lighting & low power technology such as LED technology, light fixture arrangements, light baffles etc..

43. **Mitigation Request - RTP/PEIR Include Port Ship & Berth Electrification** - We request that all Port Terminals be converted to electrical power for hoteling (docking) of ships. We request that all Terminal Tenants ships be required to be retrofitted to use electrical power while docked at a Port. Ships currently operate off bunker fuel the worst polluting fuel available in order to have electrical power while docked, unloading and loading.

(64)

44. **Mitigation Request - RTP/PEIR Include a Financial Profit Analysis** - We request that SCAG conduct, research and prepare a Financial Profit Cost Analysis for all proposed projects. Past PEIR's fail to assess the economic and social effects of SCAG Projects by not mentioning the estimated construction, the long term operations, environmental & public health care costs of the projects to the public.

(65)

The analysis as a minimum shall include: Construction Costs, Legal Costs, EIR Costs, Special Studies/Reports/Plans/Assessments/Research/Consultant Costs, Port/Airport/Intermodal Facility/Railway/station Infrastructure/Vehicle/Equipment Replacement Costs, Business Marketing, Community Economic Impact Assessment Study, Public Utility Impact Study and Proposed Mitigation.

45. **Mitigation Request - RTP/PEIR Include a Community Economic Impact Assessment** - We request that SCAG conduct, finance and release to the public a Community Economic Impact Assessment. The PEIR fails to assess the community economic, environmental, public health care impacts of SCAG projects

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We request that the study consider as a minimum: public medical health care (due to short

66 & long term impacts, increased insurance costs), police & public safety(extra security short & long term), installation of air purification & sound prevention systems in all local residences & public facilities, car, truck & train accidents (increase, cost to public, police, fire department & emergency response costs, repair costs, increased insurance costs, temporary & permanent disabilities), traffic-road, highway, freeway & bridge maintenance, repair, replacement & expansion, state public education funding losses (students missing school), worker time off (business losses due to worker absence, loss wages due to illness, accidents, lateness due to traffic) agricultural crop damage, landscaping damage (from foreign insects & diseases), property depreciation (due to blight and negligence), environmental damage (air, land & water), repair, restoration and mitigation costs, port/Airport/Train Railway/Intermodal on-site & off-site security, city/county/state/federal funds appropriations & expenditures for public relations, RTP, PEIR & SEIR costs, special studies, reports, plans, assessments, research, consultant costs legal review, representation & litigation.

- 67 46. **Mitigation Request - RTP/PEIR Include a Public Utility Impact Study** - We request that SCAG complete a Public Utility Impact Study to assess the impact of potential increased utilities or expansion construction costs to the public prior to the proposed SCAG projects. The entire Los Angeles County and other counties are subject to electrical blackouts due to power limitations and use. Why should the public bare the total financial responsibility and power loss when SCAG projects will consume significant power and not bear any extra cost.

The public is asked to conserve power, while big business is unrestricted. A common excuse is that it is part of international trade commerce and an economic necessity. Even now discussions are underway to reopen and build new nuclear power plants and coal burning facilities. Why should the public bear this extra cost, additional air pollution and nuclear waste disposal problem, when the certain transportation and business industries creating the problem.

Los Angeles and California are additionally facing a waste disposal and water crisis. What amount will SCAG proposals contribute to our waste disposal and water infrastructure construction, operation and acquisition costs.

- 68 47. **Mitigation Request - RTP/PEIR Include a Public Mortality Study** - We request that SCAG conduct, finance and release to the public a Public Mortality Study. The study shall include deaths caused by cancer and non-cancer causes such as acute asthma attacks, heart attacks, pneumonia, diabetes and other health problem deaths caused by or suspected to be caused by air pollution due SCAG projects and other existing pollution sources industries.

- 69 48. **Mitigation Request - RTP/PEIR Include a Public Health Survey** - We request that SCAG conduct, finance and release to the public a SCAG Region Public Health Survey. The survey shall include the research and determine the types illnesses both cancer and non-cancer which may have been caused by air pollution and exposure to diesel exhaust due SCAG projects and other existing industries. Medical research has identified over 30 different health problems caused by air pollution and diesel exhaust.

- 70 49. **Mitigation Request - RTP/PEIR Include Public Morbidity Study** - We request that SCAG conduct, finance and release to the public a SCAG Region Public Morbidity Study. The study shall include the research of all cancer and non-cancer health problems which may be caused by SCAG projects and other existing pollution source industries.

71 50. **Mitigation Request - RTP/PEIR Include Epidemiological Studies** - We request that SCAG conduct, finance and release to the public a SCAG Region Epidemiological Studies based on the Public Health Survey and Morbidity Study. The study shall include the research of all cancer and non-cancer health problems which may be caused by air pollution due SCAG projects and other existing pollution source industries.

72 51. **Mitigation Request - RTP/PEIR Include Public Schools Air Purification Systems Purchase Donation** - We request that SCAG establish an annual \$ 25 million fund to purchase new Air Purification & Ventilation Systems for public schools which do not have them in order for students to breath healthier air near SCAG projects..

73 52. **Mitigation Request - RTP/PEIR Include a Public Youth Sports Complexes & Athletic Buildings Air Purification Systems Purchase Donation** - We request that SCAG establish an annual \$ 25 million fund to purchase new Air Purification Systems for Public Youth Sports Complexes and Athletic Buildings which do not have them in order for youth and students to breath healthier air near SCAG proejects.

The priorities will be for sports complexes and athletic building closest to SCAG projects. When all public sports complexes and athletic buildings have been retrofitted, the funds will then be allocated to non-profit organization sports complex or athletic buildings within the city.

74 53. **Mitigation Request - RTP/PEIR Include SCAG Region Streams, Rivers, Watersheds, Wetlands, Lakes & Oceans Restoration** - We request that SCAG establish an annual \$ 25 million fund for the restoration, development, environmental clean-up, expansion, creation, maintenance and sustainability of local SCAG Region streams, rivers, lakes, watersheds, wetlands and oceans impacted by SCAG proejects. These include: Los Angeles River, Cerritos Channel, Dominguez Watershed, Santa Ana Rivers, Ken Malloy Harbor Regional Park/Machado Lake and San Pedro Bay etc..

It is also a fact that the Port of Los Angeles is the # 1 and the Port of Long Beach the # 2 largest water pollution source in the San Pedro Bay where the Ports are located.

75 54. **Mitigation Request - RTP/PEIR to Include a Community Blight Elimination** - We request that SCAG conduct a comprehensive Community Blight Study of direct and indirect SCAG and major industry caused community blight. The study shall include all ports, airports, train railways, stations, intermodal and distribution center facilities.

Containers are stored throughout the cities in community residential areas, many are rusting deteriorating, have paint peeling. Containers are stored as high as six high and can be seen from every where. Many neighborhoods look terrible surrounded by walls of thousands of containers. It is estimated that Wilmington has over 200,000 containers in the community off Port property. Wilmington has legal and 16 illegal container storage yards.

Many container storage yards also store used and new truck chasis for transporting containers and many do on-site repair. There are numerous legal and illegal diesel truck storage, repair, sales yards and most also store containers. Many have laid down steel plates over the curve to make a ramp and some have poured their own cement to make a driveway up the sidewalk into an illegal gateway. Every location has truck related trash, thrown truck parts, empty oil cans, old tires, water houses, fast food containers, empty cups, empty beer cans etc.

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disposed of on streets, curbs, empty lots and often in peoples yards. If there is a public park nearby you will also find trucks and their trash.

55. **Mitigation Request - RTP Include a Community Seismic & Vibration Study** - We request that SCAG conduct a comprehensive Community Seismic & Vibration Study of direct and indirect SCAG Project caused seismic and vibration in the community. The study shall also include the study of local highways, streets, roads, bridges, railways and intermodal facilities which were constructed years ago and do not meet the seismic safety standards of today for continuous non-stop diesel truck use.

Currently diesel trucks have taken over the Long Beach Gerald Desmond and the Los Angeles Vincent Thomas bridges. These bridges were built by public tax dollars for the public use and not to be commandeered as an exclusive Port diesel truck route. There are numerous truck breakdowns on the bridges every week. The study shall include all Ports, airports, train stations, railways and there terminal operations.

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Trucks and trains pass through residential communities all hours of the day and night. The number of trucks and trains has been increasing every year with Port expansion. Currently over 42,000 trucks trips a day are passing through the Port of Los Angeles and the Port of Long Beach through Harbor area communities transporting over 10 million containers a year. This will be increasing to over 121,000 trucks and over 49 million containers and hundreds of more trains.

A typical train load carries 200 train cars. Trains service almost every Port terminal. Train operation should be limited to day light hours. At the present train horns can be heard all hours of the night and honking repeatedly for over an hour causing home windows to vibrate. Trains operate for hours in and near residential and school areas which border the rail road tracks. Trains idle, change loads, connect, disconnect, switching tracks and change engines. Resident homes and small businesses shake and vibrate during the entire time a train is nearby from the seismic ground vibration caused by trains. Train tracks should have some type of ground vibration dampening materials. In addition, trains often load and unload off-port property.

56. **Mitigation Request - RTP/PEIR Include a Comprehensive and Project/Site Specific Cumulative Impact Assessment** - We request that SCAG conduct a comprehensive and project/site specific Cumulative Impact Assessment of all SCAG proposed Projects, past & current perations and proposed future expansion and operations. In the past SCAG has failed to conduct extensive research into the numerous other potential impacting construction projects and new business operations and their cumulative impact on the public and Environmental Justice communities which are already disproportionately impacted. The RTP/PEIR omit and fail to account for and list thousands of additional construction projects that are proposed, approved or under construction.

77

For example, the Los Angeles Unified School District has over 25 major projects over the next 7 years and an estimated equal amount over the next 10-15 years. The Los Angeles Community College District has identified over 5 major projects. In addition the City and County of Los Angeles have major Sanitation Department Projects within 5 miles of the POLB. In addition, the City of Long Beach and Los Angeles has issued numerous business building construction permits to begin in the next 2 years. Wal-Mart will be building 40 new super stores with grocery sections in the next 7 years.

The assessment shall include as a minimum: all current & proposed future Port of LA projects, Port of Long Beach, all oil refineries, oil & fuel tank storage facilities, liquid bulk terminals, the Alameda Corridor, all School District current & proposed construction projects, all community college & university new construction, current & proposed hospital, medical center, commercial center construction projects, LAX Airport expansion, LA City & LA County Sanitation Departments expansion projects and major public housing projects such as the Wilmington Dana Strand Public Housing construction project.

57 In addition to the NEPA/CEQA Cumulative Impact definition, we define Cumulative Impact "as the increasing, compounding and disproportionate exposure to multiple sources and types of air pollution which can cause an adverse health affect or risk.

A Cumulative Impact can cause or contribute to temporary illness, inability to perform normal daily activities, cause temporary or permanent disability, cause inadequate body, organ or immune system growth, development and repair, can be acute, chronic, life threatening and cause unnatural death.

A Cumulative Impact can also cause temporary or irreparable harm, damage, degradation or loss to the environment, natural resources and wildlife. It can also negatively affect the economic welfare, safety and quality of life of the public or a protected class."

NEAP/CEQA Cumulative Impact definition: the incremental effects of an individual project are considerable when viewed in connection with the effects of other past, current and probable future projects.

57. **Mitigation Request - SCAG Create a Regional Environmental Justice Taskforce (REJT)** - We request that SCAG establish and fund an independent Environmental Justice Taskforce to research, investigate, identify, recommend, implement, monitor and mitigate environmental justice and public health issues. The taskforce shall be composed of local, statewide and national non-project Environmental Justice Organizations, Air Quality Management Districts and CAL/EPA. We request that the RTP/PEIR include the REJT recommendations.

58. **Mitigation Request - SCAG RTP/PEIR Comply With the CEQA/NEPA Definition of Mitigation** - We request that SCAG comply with the the CEQA/NEPA definition of Mitigation:

1. Avoiding the impacts altogether by not taking a certain action or parts of an action.
2. Minimizing impacts by limiting the degree or magnitude of the action and its implementation.
3. Rectifying the impact by repairing, rehabilitating or restoring the impacted environment.
4. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action.
5. Compensating for the impact by replacing or providing substitute resources or environments.

79 We wish to clarify that Mitigation is a mandatory legal NEPA/CEQA/EJ offset and recompense for past damage done, damage that is irreparable, damage that is currently occurring, damage that will occur or damage that will continue to occur into the future, separate from any other proposed, agreed upon or required action.

80 59. **Mitigation Request - SCAG & its Members Join The California Climate Action Registry** - We request that SCAG and its members join the State of California sponsored California Climate Action Registry to increase energy efficiency and reduction of greenhouse gases.

81 60. **Mitigation Request - SCAG Adopt The Precautionary Principle** - We request that SCAG adopt the Precautionary Principle as a mission statement, goal and objective. The Precautionary Principle states that "when an activity raises threats of harm to human health or the environment, precautionary measures should be taken even if some cause-effect relationships are not fully established scientifically."

61. **Mitigation Request - RTP/PEIR Include Document References** - We request that SCAG include in the RTP/PEIR Appendix complete copies of all reference documents, studies, reports, model information and research in which data was obtained, referenced or used in the RTP/PEIR to support any basis of decision making. The public has a right to have all information readily available and not have to request individual documents which will require additional time and costs to purchase.

82 We request that the RTP/PEIR include a reader note and disclaimer when it references or includes non-project specific information, data not updated and data which has not been validated or has not been approved by any government agency.

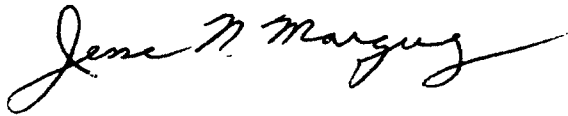
The RTP's/PEIR's historically includes and references outdated and non-project specific information which gives the reader the impression of accuracy, project relevance, contains current research, has third party independent validation, has a non-public impact or implies government or agency approval.

The RTP's/PEIR's often reference data from studies conducted years earlier which involved limited scope projects, limited research objectives, data obtained from computer modeling & not actual on-site test data, limited test data categories or projects that have changed significantly in size from the original proposal.

83 62. **Mitigation Request - RTP/PEIR include the submitted Coalition For Safe Environment RTP Public Comments, Recommendations and Requests** - The Coalition For A Safe Environment requests that our submitted RTP public comments, recommendations and requests be included in a revised RTP/PEIR.

The Coalition For A Safe Environment is a non-profit community organization composed of residents, senior citizens, homeowners, students, non-profit organizations, community organizations, committees, business owners, harbor area employees and friends who are concerned with environmental, economic, health, safety and welfare issues affecting our communities.

In The Public's Interest,

A handwritten signature in black ink, reading "Jesse N. Marquez". The signature is fluid and cursive, with a long horizontal stroke extending to the right.

Jesse N. Marquez
Executive Director

Daniel Ruvalcaba
Vice Executive Director

Cecilia L. Ponce-Mora
Secretary/Treasurer

Dr. John G. Miller, MD
Member Board of Directors

Raul Orozco
Member Board of Directors

Rec'd 2/9/04

E-04-0026

JAN 30 2004

**VENTURA COUNTY
AIR POLLUTION CONTROL DISTRICT**
Memorandum

TO: Carl Morehouse, Planning

DATE: January 29, 2004

FROM: Alicia Stratton *AS*

SUBJECT: Request for Review of Draft Environmental Impact Report for the 2004 Regional Transportation Plan, Southern California Association of Governments (Reference No. 03-083)

Air Pollution Control District staff has reviewed the subject project draft environmental impact report, which examines potential environmental impacts from the Regional Transportation Plan (RTP). The RTP is a long-range regional transportation plan that provides a blueprint to help achieve a coordinated and balanced regional transportation system in the Southern California Association of Governments region. This region is comprised of six counties: Imperial, Orange, Los Angeles, Riverside, San Bernardino, and Ventura.

We offer the following comments on the draft environmental impact report:

On Page ES-18, Table ES-1: *2004 RTP Impacts, Mitigation Measures and Comparison for Alternatives* lists mitigation measures for reducing fugitive dust. We suggest that MM3.4-3h be revised to state, "Traffic speeds on all unpaved surfaces shall not exceed 15 miles per hour." ①

Table 3.4-13 on Page 3.4-39 lists emissions budgets and projections for ozone precursor levels, however the source of the information is not cited, as it is for other regional areas. Similarly, Tables 3.4-14, 3.4-15, 3.4-16, 3.4-17 and 3.4-18 do not cite references for emissions budgets. ②

Thank you for the opportunity to comment on this project. If you have any questions, please call me at 645-1426 or email me at alicia@vcapcd.org.



RESOURCE MANAGEMENT AGENCY

county of ventura

Planning Division

Christopher Stephens
Director

February 9, 2004

Nancy Pfeffer
Southern California Association
of Governments
818 W. Seventh Street, 12th Floor
Los Angeles, CA 90017-3455

FAX #: (213) 236-1963

Subject: 2004 RTP and Draft Program EIR

Thank you for the opportunity to review and comment on the subject document.
Attached are the comments that we have received resulting from intra-county review of
the subject document.

Your proposed responses to these comments should be sent directly to the
commentator, with a copy to Carl Morehouse, Ventura County Planning Division,
L#1740, 800 S. Victoria Avenue, Ventura, CA 93009.

If you have any questions regarding any of the comments, please contact the
appropriate respondent. Overall questions may be directed to Carl Morehouse at
(805) 654-2476.

Sincerely,



Christopher Stephens
County Planning Director

G:\WPC\WINWORD\1B20-7.04.doc

County RMA Reference Number 03-083





**PUBLIC WORKS AGENCY
TRANSPORTATION DEPARTMENT
Traffic, Advance Planning & Permits Division
MEMORANDUM**

DATE: February 4, 2004

TO: Resource Management Agency, Planning Division
Attention: Carl Morehouse

FROM: Nazir Lalani, Deputy Director *NL*

SUBJECT: Review of Document 03-083
Draft Program Environmental Impact Report
2004 Regional Transportation Plan
Lead Agency: SCAG

The Transportation Department has reviewed the subject Draft Program Environmental Impact Report. The 2004 RTP is a long-term regional plan that provides a blue print to help achieve a coordinated and balanced regional transportation system in the SCAG region which comprises of six counties: Imperial, Orange, Los Angeles, Riverside, San Bernardino and Ventura.

The Transportation Department's concerns are included in the response letter to SCAG dated January 9, 2004 from Ventura County Transportation Commission (VCTC). The subject letter is attached for your reference. We do not have any further comment at this time.

Please call me at 654-2080 if you have questions.

Attachment:

F:\transport\LanDev\Non_County\03-083 SCAG.doc:sa

January 9, 2004

Mr. Mark Pisano
Executive Director
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017-3435

Attention: Ms. Bernice Villanueva

Dear Mr. Pisano:

The Ventura County Transportation Commission (VCTC) recently received a copy of the draft 2004 SCAG Regional Transportation Plan (RTP). VCTC staff has reviewed the draft RTP and makes the following comments. While it is apparent that a great deal of effort went into the preparation of this document, we are submitting a number of comments and or corrections to ensure Ventura County transportation interests are reflected in the draft plan.

General Comments:

- The SCAG RTP, Destination 2030, at least for Ventura County, provides virtually no changes from the prior RTP, although the plan was extended for an additional 5 years.
- The key elements of SCAG's proposed RTP are a Maglev system serving the region except for Ventura County, a truck way network, and a smattering of transit projects in Los Angeles and Orange Counties and Highway projects in the "Inland Empire". There is virtually no mention of Ventura County or its transportation needs in the plan.

Population Forecasts:

- The draft RTP calls for a 2030 Ventura County population of 993,000 (table 2.1). This is 26,000 greater than the local forecast. This over-projection was made prior to the state acquisition of Ahmanson Ranch, which will decrease the available land for residential construction, and decrease the countywide growth by 21,000 persons, -- increasing the gap between the local plans and the SCAG plan. The local recommended population for Ventura County should be 945,400, a difference from the RTP of approximately 50,000. By over-projecting the population, SCAG is raising the bar for addressing the air quality impacts and transportation control measures (TCMs) which Ventura County must address.

Transit:

- **Transit Utilization:** SCAG has developed a "Transit Service Utilization" measure for each county and transit mode to measure the productivity of the services (table 2.2). This table is not only of little use, it is misleading since the measurement is a percentage utilization of available seat miles. Ventura could change the "utilization" of its transit using the SCAG measure by decreasing the number of seats in its buses. The measure does not take into account the size of the buses, peak vs. off-peak service, whether a demand responsive service is ADA or general public, and whether the service is serving a dense area, such as Wilshire Blvd. or a rural area such as Ojai. At best, the index and table are confusing, at worse, misleading and counter-productive to encouraging additional transit services.

- The RTP cites the importance of fare payment system coordination, but only discusses the MTA smart card, which is in the development stage, rather than citing the GOVENTURA Smartcard, which has been used by 6 operators in Ventura County for almost 2 years. The plan does not address the issue of compatibility between the smartcard systems (page 48).
- The plan states that the transit subsidy levels can be reduced, but it does not provide a method to achieve this reduction (page 48). The plan does not address whether or not reducing the subsidy is a desirable goal, as oppose to maintaining low fares, or providing more widespread service levels.

Highways:

- Future Projects: The draft RTP contains little beyond "baseline" for Ventura County. There are two mixed-flow projects in the draft plan – the SR 33 Casitas Bypass in 2020, and the SR 118 improvement from SR 232 to Moorpark in 2015. In addition, a toll road project is proposed for Highway 101 in Los Angeles County from SR 23 to SR 170. Ventura County has not committed to, or approved, any toll facilities in the County.
- In December 2003, the VCTC Board adopted its long range project priority list for major projects in the County. This list included several major projects not in the RTP. These new major projects need to be added to the RTP. The new projects on the list are:
 - U.S. 101 – Los Angeles County Line to State Route 33, widen freeway one lane each direction, interchange and ramp improvements, & ITS.
 - U.S. 101 – State Route 33 to Santa Barbara County Line, widen conventional highway one lane each direction (remains a conventional highway)
 - State Route 126, within the City Limits of the City of Fillmore, widen one lane each direction
 - State Route 126, In the City of Ventura, new southbound to 101 connector.
 - State Route 23 – Route 23/188 Junction to Walnut Canyon, new alignment

Rail:

- The 2030 Transit Corridor System shown in Exhibit 4.5 does not extend Metrolink from Oxnard to Montalvo even though this service is currently in operation. In addition, it also does not show the Santa Paula Branch Line corridor as a Transit System Corridor by 2030 even though efforts are currently underway to reconstruct this portion of the rail system. In December 2003 the VCTC Board added the Santa Paula Branch Line to its long range project priority list. This should be added to the list of rail projects as follows.
 - Santa Paula Branch Line, Route 101 to Los Angeles County Line, bring track to class 4 standards and reconstruct track between Piru and the Los Angeles County Line.

Freight:

- There is no discussion in the Regional Rail Capacity Improvement Program for improvements on the rail corridor from Port Hueneme to Los Angeles County and points east. As Rice Avenue becomes a major truck corridor, conflicts with rail traffic, especially freight, will increase. Arterial grade separations on Rice Avenue and on Highway 118 were included as baseline projects in the 2001 RTP but not in the 2004 draft plan document. Grade separations of at-grade at Rice, Vineyard (SR 232), Rose, Gonzales, and State Route 118 should be added to the plan document.

Funding/Finance:

- While the draft RTP touches on state transportation funding shortfalls in on page 62, it does not reflect the most recent events in the state budget crisis and their effect on transportation funding. The current draft RTP was developed prior to the December adoption of the State Transportation Improvement Program (STIP) Fund Estimate and the Governor's Mid-Year Spending Reduction Proposal. The adopted STIP Fund Estimate, which is based on a number of optimistic assumptions,

forecasts that there will be no revenue available for the programming of any additional STIP projects between now and FY 2009. The Governor's Mid-Year Spending Reduction Proposal proposes reducing the SHA account by an additional \$885 million this next year, further compounding the transportation funding shortfall problem. The financial component of the draft RTP needs to be revisited prior to plan adoption to include the most updated information on available transportation funding.

- The plan proposes to increase funding available for transportation through the addition of increased gas taxes (based on historical increases), and a local sales taxes approved with a modified 55% approval threshold (which requires a change in the state constitution). (Page 10). Recent polling has shown that there is insufficient support for lowering the voter threshold for sales tax measures to 55%.
- The draft RTP identifies the projected revenues and committed costs for each county over the 28 year period, including revenues from a future increase in the gas tax. SCAG first provides a "regional balance" (table 2.9, page 59), which provides a regional total. This regional total is misleading, since it takes the shortfalls in funding from Los Angeles and San Bernardino Counties and off-sets them with positive balances from the other counties – including Ventura County. (Ventura has a positive balance of \$2.22 billion). Since SCAG cannot transfer the funds under existing state and federal laws, and there is not desire on the part of Ventura County to provide funding for projects in other counties, this table is misleading. The table should be revised to have a shortfall column for Los Angeles and San Bernardino Counties (shortfall of \$6.3 billion), and a Net balance available for additional RTP project of \$11.23 billion). Table 4.18 corrects this problem by adding an additional \$31.2 billion from the future gas tax, sales taxes to be passed in San Bernardino and Imperial counties, and a mitigation fee in San Bernardino County. With this strategy, Ventura County has a net of \$1.3 billion for programming.
- The RTP does not identify how to make up the \$3.38 billion shortfall in Los Angeles County or the \$2.96 billion shortfall in San Bernardino county, making the plan financial unconstrained and in violation of the federal requirements. This may impact the ability of the region to adopt or amend a FTIP.

Post 2030 Long Range Corridors:

- The draft RTP identifies two future corridors for improvements in Ventura County. These are the Santa Paula Branch Line corridor (shown on the map as going into and around Santa Clarita and down into Tujunga; and the SR 118 corridor, which includes access from El Rio/Saticoy to the Port of Hueneme. It seems that the timing of both the projects is off, considering the net balance above, the programming of SR 118 in the mixed flow projects section for the year 2010, and the pending impacts of the build-out of Newhall Ranch along the Santa Paula Branch Line.

We would like to thank you for the opportunity to comment on the RTP.

Sincerely,

Ginger Gherardi
Executive Director

we'd 2/9/04
BV

Comments on SCAG's RTP PEIR "Destination 2003"

Tom Politeo

E04-0027

P.O. Box 1256

San Pedro CA 90733-1256

562-618-1127

"scag-rtp-peir" at "politeo" dot "net"

1. The PIER does not consider global warming emissions

The PEIR failed to consider the environmental impacts of global warming emissions, including both CO₂ and PM. Sacramento has stated that global warming emissions are of concern to the state and that they may lead to negative environmental impacts including a reduction in water supplies and an increase in smog (AB 1493 Pavley in 2002). The California Air Resources board is directed to develop methods to reduce global warming gas emissions. Numerous scientific bodies, including NASA and the National Academies are concerned about anthropogenic global warming. An AP survey of Democratic presidential candidates shows that they are all concerned about global warming and are interested in having the United States take a more cooperative role in reducing global warming emissions. ①

Yet, the draft PEIR is mute on these matters and potential policy changes. The PEIR needs to be revised to consider how various RTP options impact our global warming emissions and it needs to explore transportation plans and urban forms which will significantly (by at least 50%) decrease our global warming emissions over current (2003) levels. It is a serious failing in the long-term, regional report to do otherwise.

Background...

Virtually the only mention in the report dealing with global warming or green house gasses occurs on page 2.5: "Measured/forecast emissions include CO NO_x, PM₁₀ SO_x VOC. CO₂ as a secondary measure to reflect greenhouse gas emissions."

Yet the growing consensus among scientists is that anthropogenic causes are playing a significant role in global warming. The primary cause comes in the form of global warming gases, which include CO₂ and particulate matter as those found in diesel exhaust. These in turn are major byproducts from using our transportation infrastructure with fossil fuel-powered vehicles. ✓

The estimates of potential global damage in this century vary and are potentially alarming. Climate change is already impacting the lives of the Inuit peoples in the arctic circle and they, in turn, have started to explore remedies under international law to address their condition.

In the course of this century, global warming may cause major loss of productive farmland in the United States and Canada. It will significantly further glacier retreat and the melting of arctic ice. Weather changes could further cause large refugee problems from flooding and other negative impacts. The Canadian Environment Minister David Anderson recently said that global warming is likely to be a more serious problem for humanity than terrorism.

Scientific studies which deal with the problems of global warming are easy to find, and available from prestigious sources like NASA and the National Academies, both bodies that report to our federal government. According to recent NASA reports, soot (mostly from diesel) may be responsible for 25% of anthropogenic global warming. Studies have linked PM and soot to global warming since at least 2001, so the general need to scrutinize this pollutant should not come as a surprise.

Further, there are clearly steps to establish regulatory requirements for dealing with global-warming emissions. California passed legislation in 2002 dealing with reducing global-warming emissions. The California Air Resources Board is exploring ways to accomplish that. It has until 2005 to establish standards for emissions from cars and light trucks, which may total 40% of California's global warming emissions (and that doesn't include diesel big rigs). Locally, CARB will be holding hearings this February. (1)

In a recent AP poll of presidential candidates, Wesley Clark, Howard Dean, John Edwards, John Kerry and Dennis Kucinich all addressed the importance of having the United States cooperate in reducing global warming emissions.

Global warming has the potential to affect Southern California's climate, water supply and air quality. It could also affect California's agricultural output. These effects may take different directions. Yet, it is important for a document like the RTP PEIR to consider them.

There is concern in California's state government bodies that global warming could decrease urban water supplies and increase smog, and consequently, California has established legislation to seek ways to reduce global warming.

This document must be reworked to examine the impact of global warming emissions from transit in the SCAG area and to include options that help reduce those emissions dramatically.

More broadly, this document should consider our region's share in global warming emissions caused by every plan option and explore mitigation through the reduction of emissions.

There are more than 400 web references to AB 1493 (Pavley) that provide information on global warming and California's position. More than 200 are on ca.gov sites. These discuss pros and cons of the bill and a broader concern on global warming. Here are two.

www.energy.ca.gov/global_climate_change/documents/AB1493_PRESENTATION.PDF ✓

2. The PEIR dismisses fuel cost concerns

Though the PEIR acknowledges that oil production is expected to peak before 2025, it dismisses any fuel price concerns between now and 2025 on the basis of an US Department of Energy, Energy Information Administration report. This report is itself criticized as being rosy for some of its forecasts by other bodies. (Most critically, it could be viewed as doing little more than compiling public relations perspectives of the oil industry.)

The State of California has expressed concern about its increasing dependency on foreign oil and has directed the California Energy Commission and Air Resources Board to explore ways to reduce our energy dependency. The state is concerned that geopolitical changes could injure the state's economy if it is excessively dependent on foreign oil. (The state could also be vulnerable to domestic market manipulations as with the Enron/electric power grid crisis in 2002.) The PEIR needs to be revised to consider how various RTP options impact our dependency on foreign oil and needs to explore methods in which transportation planning and urban form can significantly (at least 50%) decrease our foreign oil dependency.

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Possible unexpected upturns in the price of oil—and the price of oil beyond 2025—could leave Southern California with a large investment in a transportation infrastructure which is far less economically viable because of the high price of fuel. Some of these changes, like past energy crisis, cannot be reliably forecast. Any prediction that the price of fuel will be stable over then next 25 years also entails looking into the crystal ball of geopolitical stability. Though Americans generally supported George W. Bush in our efforts to resolve issues in Iraq, many (Republicans and Democrats) are questioning the multi-billion dollar price tag for the effort and resulting deficit spending. Ensuring a reliable supply of oil may become prohibitively expensive, as well, if efforts, like those in Iraq, materialize further opposition to American presence in the Middle East.

The PEIR states:

In the last fifty years, the human population has doubled, and the number of cars has grown tenfold from 50 to 500 million. As Americans continue to consume oil, oil demand could eventually outstrip oil supplies. By 2010, the world may be consuming as much as 90 million barrels per day, 20% more than it does now. The analyses of geophysicist M. King Hubbert

✓

suggest that one new barrel of oil is being found for every four barrels being consumed.⁷

Hubbert

predicted that sometime between 2005 and 2025, world oil production would reach a peak and begin a sharp decline. However, a government summary of several world oil price forecasts for 2025 does not indicate a steep increase in petroleum prices.⁸

Criticism of the EIA is evident in writing such as this from a State of Washington Department of Community, Trade and Economic Development web page:

www.cted.wa.gov/uploads/03-10-03.pdf

EIA's Rosy Gas Supply Projections in Doubt

NATURAL GAS WEEK • Mar. 10, by Andrew Kelly

US gas production may have peaked and be heading inevitably into decline in future years, even if high prices lead to increased drilling and construction of a pipeline to import gas from Alaska.

The US Energy Information Administration (EIA) sketched a reassuring picture of steady growth in domestic gas production through 2025 in its long-term forecast earlier this year. But energy analysts and consultants say the government agency's forecast appears to be excessively optimistic about the outlook for domestic supplies. ②

Lehman Brothers analyst Thomas Driscoll, among others, is not only skeptical about the forecast for future years, but believes official production data for the last few years have also overstated actual output.

"I'm pretty sure the production numbers are much worse than the EIA says," Driscoll told *Natural Gas Week*. He believes US production peaked in 1998 at 52.1 Bcf/d, fell to 48 Bcf/d last year and is set to fall to 44.3 Bcf/d by 2007. His numbers are based on his own survey of 45 companies that account for some 70% of US gas production.

"The data looks pretty compelling and it only points in one direction," he said.

In its new *Short-Term Outlook*, EIA is predicting 1.2% supply growth in 2003. Many analysts expect further declines in 2003. "Domestic production growth should accelerate in 2004 but, given recent experience, the extra effort might not result in increases above 2%," the agency noted.

EIA now claims gas supply fell 2.8% in 2002. Several months ago it maintained that deliverability was only down about 1% for the year, despite near-unanimity among industry analysts that declines were steeper.

www.cted.wa.gov/uploads/03-10-03.pdf

It should be noted, that CNG (compressed natural gas) may become a more important player as a transit fuel than today as clean air strategies are adopted.

The State of California has itself expressed concern about its growing dependence on foreign oil and the exposure it creates for economic downturns. This is from the California State web page: www.energy.ca.gov/fuels/petroleum_depend ↓

Economic. Unless consumers are given viable options, California could continue to face significantly higher gasoline and diesel prices. Such options could dampen demand for petroleum and moderate price fluctuations.

Rising petroleum prices can have a significant impact on the U.S. and California economies. In addition to reducing the real income of consumers through higher fuel prices, oil price increases drive up the average cost of production of goods and services throughout the economy. The result is a negative impact on the state's economy (gross state product). In fact, the significant petroleum price hikes in 1973-74, 1979-80, and 1990 all led to U.S. recessions.

Sources of Supply. Historically, California has obtained supplies of petroleum from instate production, imports from Alaska, and imports from foreign sources. Because instate production has been declining by about 2 percent per year, however, California will become increasingly reliant on sources outside of the state for petroleum and refined petroleum products. (2)

Currently, Iraq and Saudi Arabia are the two largest sources of foreign imports. If this import trend continues, the state's economy will be even more vulnerable to external disruptions and geopolitical instability. Recent disruptions in foreign petroleum and gasoline supplies have harmed the state's economy and led to peaks in gasoline prices.

For example, the loss of oil production from Venezuela earlier this year temporarily caused oil prices to rise, leading to high gasoline prices. In addition, in early 2003, concerns about military conflicts in Iraq also resulted in a spike in world oil prices.

The following experts further describes the State's interest in reducing petroleum dependence. As part of being a team player, the state's regional transportation plans (such as this PEIR) should consider how they can help achieve the objective of reducing oil dependence.

CALIFORNIA STRATEGY TO REDUCE PETROLEUM DEPENDENCE
Program Plan
Prepared by Arthur D. Little
for the California Air Resources Board and the
California Energy Commission
December 2001

...

The California Legislature (AB2076, Shelley) requires the California Energy Commission (CEC) and the California Air Resources Board (ARB) to develop and adopt recommendations on a

✓

California strategy to reduce petroleum dependence. The legislation also requires CEC to forecast gasoline and diesel use in 2010 and 2020. Strategies to be considered include the addition of new sources, improved vehicle efficiencies, alternative fuels and advanced transportation and vehicle technologies.

California's refining industry is running at or very near capacity, producing about 17 billion gallons of gasoline and diesel fuel per year for on-road consumption. The demand for refined products could reach as much as 27 billion gallons by 2030. This increase in demand can be met by expanding the refineries in California or by importing refined or finished products into California. Currently, there is an excess world refining capacity, and no new refineries are expected for 5 or more years. California will be importing refined products to meet its growing demand. ②

http://www.energy.ca.gov/fuels/petroleum_dependence/ to gain access to:
www.energy.ca.gov/fuels/petroleum_dependence/%20documents/2001-12-

19_PROGRAM_PLAN.PDF

3. No significant impact on air quality

The various options in the PEIR do not have a significant impact on regional air quality and play only a minor role in air quality improvement or decline. On the whole, plan options (compared to no plan options) decrease photochemical smog components by a small percentage and increase PM components by a small percentage.

Most of the significant improvements in air quality are derived from non-plan measures, such as increase vehicle emissions controls. The plan needs to be revised to explore options in which transportation planning and urban form can significantly contribute to the reduction of air pollution. ③

Given the serious nature of our pollution problems, and what is likely a health cost in the billions of dollars a year, any additional improvement gained by this plan is not a significant contributor to improved air quality.

If Californian's are to hope to breathe clean air, we need to approach the matter with every tool possible. Significant strides are being made with technology to improve vehicles—we also need to make significant strides in which urban form (and life and work styles as a component) can contribute it's share as well.

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Examples of such changes include setting specific milestones to decrease per-capita commute requirements (number of trips and length of trip) in private single-occupancy vehicles. The relevant figure to study may not be the number of commuters, but the number of vehicles. The plan should explore impact options in which the number of trips and the length of the trips, would, for example, be reduced by over present values over the next 25 years. What, for example, would be the environmental benefits, if the number of trips could be reduced by 1% per year?

Then, the plan should explore methods by which these changes can be brought about through changes in urban form and lifestyle. A simple matter, like having children walk to school once again (as they used to 25 years ago) could be a significant traffic trip reducer. Estimates are that 20% or more of morning and afternoon peak time trips are caused by children walking to school.

In Marin, CA: 21%: The Marin County Congestion Management Agency has determined that 21% of morning traffic is parents driving their children to school. In addition, there are alarming statistics on the increase in child obesity due to poor diet and lack of exercise. (3)
www.saferoutestoschools.org/Pressroom/W2SD2003.htm

From Oregon 20-30%: school. In fact, 20 to 30% of morning automobile traffic is generated from parents driving their children to school.
www.trans.ci.portland.or.us/Options/newsletters/default.pdf

In England: 20%; the number of cars used on the 'school run' is increasing. These journeys make up 20% of peak hour traffic and are often for trips of less than a mile. 29% of school children or their parents choose car travel for their school journeys, a figure that has doubled over the last 20 years.
<http://www.islington.gov.uk/living/living.asp?SectionID=1444>

Reducing the number of children driven to school could substantially help reduce congestion. Various other changes in urban form or lifestyle (such as those described in the report and those not), could help. Making sure work and home can be close to one another. Making sure a community has a balance of different housing prices, so that all the people who service the community (from doctors to gardeners) can afford to live in it. Putting more emphasis on improving public transit.

By working to reduce trips and miles travelled, we reduce the amount of air pollution generated. Without such changes, technology improvements can net out. For example, if we reduce diesel truck emissions by 50% but double the number

of truck-miles driven, we have not improved our air quality.

③

4. PM 10 and PM 2.5 inadequately considered and inadequately reduced

PM pollution is the region's most serious air pollution risk factor. The 1998 SCAQMD MATES-II study estimates that PM causes 70% of the regions airborne pollution-induced cancer cases. In most of the region, PM pollution-induced cancer risk is 3 to 5 times over federal guidelines. In the port area, it peaks at over 10 times in one residential neighborhood and spikes at almost 20 times within the port. (State standards for acceptable cancer risk are even more stringent). Yet, no option in this plan provides for anything closely resembling compliance in the next 25 years. To the contrary, plan figures suggest no significant change.

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Further, the plan explores only the long term presence of PM 10. Some of the PM 10 reduction strategies which have been proposed will increase PM 2.5 which is considered the more deadly of the two by many researchers. This PEIR is deficient in this regard, inasmuch as it may whitewash or obfuscate an increasing health risk to the region.

The PEIR should be revised to explore transportation planning and urban form options that can reduce the cancer risk from all forms of PM pollution to meet federal and state guidelines in all regions within the plan's timeframe. Because PM pollution tends to concentrate more around shipping centers, the plan needs further to make this study with respect to shipping corridors.

4b. Pollutants and environmental justice

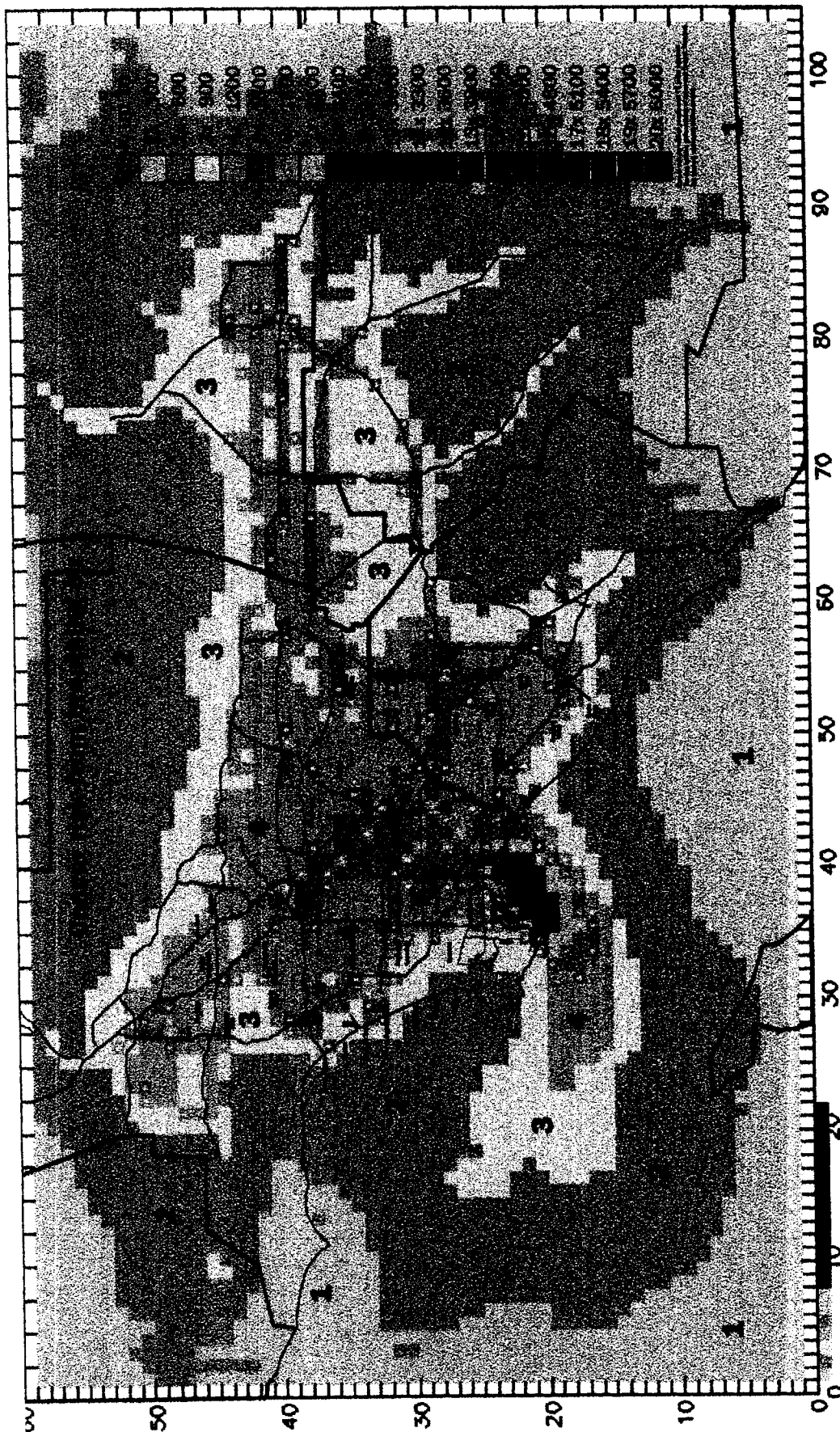
Nor, does does the plan explore the environmental justice component of PM pollution (or any other pollutant or negative impact on the environment). The plan considers PM pollution only in large units (for example, by entire counties.) Yet, existing AQMD maps show that, though PM pollution is a regional problem, PM pollution is a more serious problem near shipping corridors and facilities. Regional trucking is expected to double in the next 25 years, but port traffic may increase three to four fold. Air quality near shipping lanes may get significantly worse than it is now, in spite of various mitigation efforts. The report is not clear on these points.

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(Attached is a plot of MATES-II data showing cancer risk by area. The AQMD has published many other environmental justice studies available on their web site, and is starting in on MATES-III.)

The only two references the PEIR makes to environmental justice are:

↓



The map shown here is built from data compiled by the AQMD in 1998 in their MATES-II study. The data does not reflect changes in port activity since then, such as China Shipping.

The risk numbers on the map (from 1 to 20) show how many times more carcinogenic the air is than Federal standards permit. A value of 1 means is within the standard of 300 cases per million people in a 70 year lifetime. A value of 20 means the air is within 20 times of the standard, with an estimated cancer rate up to 6000 cases (that is from 19 to 20 times more carcinogenic than the standard).

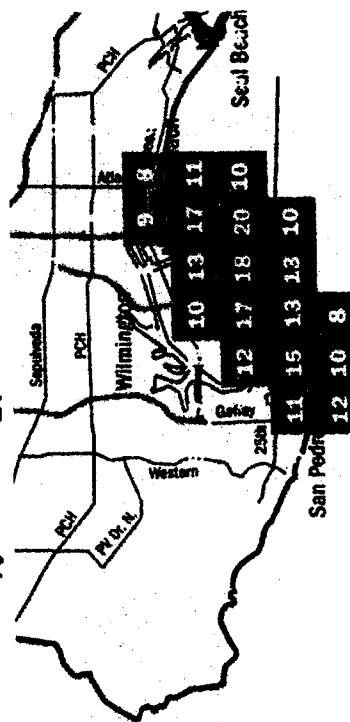
Every effort has been made to present the AQMD accurately. This map is compiled by the Sierra Club Harbor Vision Task Force.

www.angeles.sierraclub.org/hvtf



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Performance indicators in the 2004 RTP include mobility, accessibility, reliability, safety, cost effectiveness, productivity, sustainability, preservation, environmental quality, and environmental justice.

and

that Title VI of the Civil Rights Act of 1964 and associated regulations and policies, including President Clinton's 1994 Executive Order 12898 on Environmental Justice, seek to assure minority and low-income populations are involved in the planning process.

To fulfill these expectations, SCAG has used a combination of methods to stimulate public involvement. For the development of the 2004 RTP, the following public outreach methods have been used:

- Presentations on the RTP to established organizations throughout the Region
- Public workshops on the RTP throughout the Region
- Posting of all public outreach events via an Outreach calendar on the SCAG web site
- Direct outreach to minority and low-income populations

...

The report fails to meet its own performance indicators by adequately exploring environmental justice. From the report's perspective, environmental justice was no more than part of the required public out-reach in drafting the PEIR. (3)

One of the problems which environmental justice needs to address is that minority/low-income neighborhoods often respond poorly to these sorts of out-reach efforts and may lack the time or means to be able to respond as completely as more affluent neighborhoods. There is nothing in the report that helps alleviate the "response" gap between affluent and low-income/minority neighborhoods.

In particular, nothing in the report addresses outreach to largely Spanish-language speaking neighborhoods that are often in the crossfire of major industrial polluting sources and transportation-causes pollutants (Wilmington and East Los Angeles being but two examples). There, language and literacy barriers can make response more daunting. The human concerns, however, of being able to breathe clean air, be free of excessive noise and industrial blight are just as palpable in these neighborhoods.

Further, an environmental justice program should engage in positive steps to ensure that all citizens, regardless of race, ethnicity or income can hope to breathe clean air, regardless of the neighborhood in which they live.

Southern California, like much of the nation, has a self-perpetuating, de facto urban process in place in which poverty and minority status often relegate families to live near major pollution sources. In turn, the demographics of those neighborhoods (minority, low income, ESL) reduce their ability to defend themselves from further environmental degradation. Some have called this "planned blight", suggesting that it is a

V

deliberate obfuscation by planning agencies so that economic interests which profit from dirty operations can be paid off. Examples of such operations in the SCAG region would include oil refineries and shipping (ports, trucking, rail yards, warehouse districts).

In order to ensure that "Destination 2030" addresses environmental justice issues, the report must have sufficient granularity (or detail) so that the impact of transportation planning can be monitored on a neighborhood by neighborhood basis. This is particularly true for PM pollution (which has a tight distribution drop off as you move from the source), noise and urban blight (container creep, illegal truck parking, illegal truck short cuts and fly-by-night repair facilities). This is important in a transportation plan, since transportation routes (highway, rail, particularly those used for cargo) typically run through low-income/minority neighborhoods. (3)

The lack of granularity in the existing report disregards the impact on low-income/minority neighborhoods. Last year (2003), Californians strongly defeated Proposition 54 (the so-called "racial privacy" initiative). This measure would have restricted some of the demographic work needed for ensuring environmental justice—and this concern was one of the stated reasons to vote against the initiative. Defeat of the measure must be viewed as at least a partial endorsement of the demographic work which ensures environmental justice. The PEIR must consider such matters and it must seek alternatives that help improve environmental justice.

5. Relationship between financing methods and transit demand

The PEIR does not explore the relationship between transit financing methods and transit demand. Clearly, low cost fuel and transit has helped keep the price of various goods low and had a positive benefit to the regional economy. However, at what price? Transit costs for private vehicle-based transit (cars and trucks) are paid for in part by non-user taxes bases or general revenues (property, sales and income taxes at local, state or federal levels). Further subsidies occur as we pay health costs (perhaps more than \$10 billion a year in Southern California) to deal with transit-aggravated diseases such as asthma, cancer, heart-disease, premature births and premature deaths. We do not escape these costs. We simply shift the point of payment from the driver, trucker or shipper to the general taxpayer or to our health insurance premiums. (6)

By shifting the point of payment way from the highway user, we artificially lower the cost of highway-based transit. In doing so, we can further increase the demand for highway-based which means that we ultimately pay a greater

amount of money to construct even more transit capacity than we may have needed. We also artificially lower the price of goods delivered in this method, increasing a demand on such goods and again, therefore, a demand on transit.

The PEIR is deficient in that it doesn't explore the impact of a pay-as-you-go transit model and the role of transit finance in encouraging transit use. California's governor recently made a move suggestive of this sort of an option, seeing to use fuel taxes alone to pay down remaining state highway construction bond debt. Congressman Rohrabacher recently suggested that shippers should carry the cost of infrastructure improvements that facilitate shipping, and that the general taxpayer should not.

The PEIR should explore a combination of fuel taxes, odometer and container fees in a pay-as-you go transit model that fully pays for all transit-related expenses and explores the effect this model has on transportation demand.

Costs associated with operating a highway system to support private vehicle (people and cargo) transit include:

- health impacts
- loss of life through health impacts
- loss of life and injury through accidents (private)
- trauma services (especially for the under-insured as a cost to the public sector)
- highway law enforcement
- property deterioration caused by air pollution
- property value declines (when mitigation is poor)
- paying down transportation bonds (past or future)
- highway construction
- highway lighting
- highway maintenance
- highway landscaping
- highway storm drainage
- runoff water treatment
- signal synchronization projects
- letter removal and cleanup
- graffiti removal and cleanup
- removal of properties from local tax roles
- removal of properties from other use (residences, business)
- taking of wild lands, open space and agricultural lands

6. Trucking and related impacts

The PEIR doesn't take a careful look at economic, safety, environmental and aesthetic issues of the trucking industry. Ostensibly, rail is more resource and infrastructure effi-

cient per cargo-mile than trucking is, yet most shipping within 800 miles of San Pedro Bay ports is cheaper by truck than by rail. Some of this may be due to roadway subsidies experienced by trucking.

But a portion of it is due to the owner-operator competitive model used in truck operations in the ports. Thousands of truckers compete for limited job positions as independent operators, and the law of supply and demand causes low pricing. After deducting for their costs, most truckers do not make what is considered a livable wage and, do not have adequate insurance for themselves or their families, and from time to time, many rely on public assistance. Trucks may be older and in poor repair, and public health and safety is impacted by risk of equipment failure and increases in emissions. Independent truckers a

⑦

There are related problems with truckers who park rigs in inappropriate places, attempt to cut through residential streets to go around a traffic problem and "container creep" where containers are left in neighborhoods. Additional negative impacts include fly-by-night truck repair facilities which may work adjacent to residential neighborhoods and may do vehicle repair over open dirt lots.

These are impacts which the report did not consider, yet they are a consequence of the highway transportation system we have implemented and are continuing to implement. The report needs to consider a transportation option in which these issues are adequately policed (by fees levied on shippers), and in which government-imposed contract requirements insist that truckers have a livable wage and benefits package. (Unionization is an option instead). Without these changes, the general taxpayer will be picking up a subsidy for truck-based shipping and will incur community blight and environmental problems induced by an underpaid market which also has a black market component.

7. Polluting the Pacific

Overall, our highway system is an efficient conduit to pollute the Pacific Ocean.

Our highway system (starting with local streets) efficiently delivers plastic (non-biodegradable) pollution to the Pacific. Work by Captain Charles Moore of the Algalita Marine Research Foundation in Long Beach, CA, discusses the serious nature of plastic pollution in the ocean (http://www.algalita.org/charles_bio.html) this work has been widely covered by other researchers and by local and national news media.

⑤

Our highway system also delivers a variety of chemical pollutants (mostly from petroleum products) and more biodegradable forms of trash (such as paper products). Note that many forms of plastic pollution chemically attract other toxic

chemicals—and are in turn eaten by marine life.

Over the next 25 years, we need to address how to reduce these pollutants, especially plastics and toxics. The pollutants work their way into the food chain and into foods we eat. The scope is global. The Inuit, who are far removed from most pollution sources, may have the highest concentrations of certain pollutants in their bodies of anyone. (S)

The RTP must address how we may be able to reduce pollution delivered to the ocean by our highways. It doesn't even consider this as an item to mitigate.

8. Alternative Urban Forms & SGAG

In 2001, car manufacturers spend more than \$14 billion promoting new car sales in the United States (and that doesn't include car dealers), according to an estimate by Advertising Age magazine. Prorating this figure to the region on a per-capita basis, results in a SCAG area new car manufacturer advertising expenditure of \$800 million/year in 2001.

Undoubtedly, \$800 million is many times what the MTA, other agencies, and nonprofit groups spend on promoting public transit—by at least an order of magnitude.

This presents a strong socialization factor to encourage driving over use of public transit or no-transit options. Advertising encourages driving as a pleasurable pass time in its own right, with no further objective of getting someplace. (a)

It is also a driving force that helps create sprawl and acceptance for a lifestyle in which many of us commute long distances to get to work. Further issues, such as poor conditions of urban schools, have contributed to sprawl or "white flight" or "affluent flight". Good schools and new housing are in some neighborhoods and work is in others.

Though the report examines the options of different urban forms to encourage transit reduction, it doesn't set any strong objectives of doing so. For example, it doesn't provide for an option in which increases in transit demand are handled through public transit. Likewise, it doesn't explore how transit demands (people and cargo) might be handled through a pay-as-you go system. Nor, does it consider aggressive urban reorganization to maximize rail use (perhaps electric rail) for cargo transit between the port and major warehousing and industrial facilities while endeavoring to cap truck use at current levels.

Some of these failing may arise from the general structure of SCAG. SCAG's report seems to be written with indifference to California State legislative objectives of reducing global warming emissions and dependence on oil. SCAG is itself an association of governments, comprised of local governmental entities in a six county region in Southern California.

As such, it doesn't fit in with a normative governmental hierarchy of city, county state and federal levels—but provides a structural intermediate step between a local level (city and count) and the state level.

Unfortunately, this intermediate step does not have direct popular representation, as local, state and federal governments do. So, SCAG is more inclined to respond to the will of its members (municipal agencies or governments) rather than the will of the people. It is a method of governance of the governments, by the governments and for the governments. (9)

To the extent that local governments may be vulnerable to influence peddling (as witness in Carson, South Gate, and recent federal grand jury probes into Los Angeles), SCAG is subject to even less direct citizen control and oversight. Accordingly, SCAG doesn't pass laws.

But, the larger question needs to be asked. Given the growth expected in Southern California, and the depth of the economic and environmental challenges we face to meet that growth, is SCAG capable of drafting an EIR (PEIR or other document) that adequately looks at options and that has the legislative authority (and the attendant leadership capacity) to make the best options the ones we follow?

Given some of the omissions in SCAG's "Destination 2030", its stated objectives, the alternatives examined, and the intricate interlocking nature of transportation issues with other urban issues, it would seem not. An adequate revision of the plan with calls for needed structural and legislative changes might soften such concerns.

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E-04-0028*Flex your power!
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February 9, 2004

Mr. Mark Pisano, Executive Director
Southern California Association of Governments
818 W. 7th Street 12th Floor.
Los Angeles, California 90017-3435

Dear Mr. Pisano

Subject: 2004 Regional Transportation Plan and PEIR Comments.

The Department of Transportation wishes to commend the Southern California Association of Governments (SCAG) for developing a viable, Regional Transportation Plan that holds promise to accomplish six goals: (1) maximize mobility and accessibility, (2) ensure safety and reliability, (3) preserve our transportation system, (4) maximize productivity of our system, (5) protect the environment, and (6) encourage land use and growth patterns that complement our transportation system.

District 7 on behalf of Districts 8, 11 & 12 thanks SCAG for developing a comprehensive planning process that involved District staff on all the key planning committees and task forces. Participation of all the key regional stakeholder agencies and interest groups served to develop the technical analysis and policy recommendations included in the Plan.

We submit here, as an attachment, detailed technical comments on the Draft 2004 RTP Program and PEIR that address both general and specific areas of interest to Caltrans. Caltrans affirms its support for the 2004 Regional Transportation Plan, its goals and policies including the full range of multi-modal and inter-modal strategic investments needed to achieve Plan implementation.

Department staff looks forward to an on-going working relationship with SCAG staff and to resolving technical transportation planning issues. The Department's task is to take "next step" action appropriate to the common mission of our agencies and to develop project initiation studies and project study reports that help implement the RTP vision.

Sincerely,

A handwritten signature in cursive script, reading "Rose Casey".
Rose Casey
Deputy District Director
Planning and Public Transportation
Caltrans District 7

Attachment

California Department of Transportation
Comments on Draft PEIR
for SCAG 2004 Regional Transportation Plan
February 09, 2004

Page 3.3-1, On Airport Access: The Department recognizes airport as multi-modal transportation centers, and we are dedicated to making transit a viable option for improving mobility across California. The Government Code Section 65081.1 requires regional transportation agencies to give the highest priority to public transportation when programming projects for airport access. The RTP and its PEIR should explain how the SCAG project selection criteria satisfy this legislative requirement. This requirement and its successful implementation can also help alleviate some of the air quality issues related to airports. ①

Page 3.4-1 and following – The discussion clearly requires, however, that SCAG deal with overriding considerations as part of the CEQA findings and statements. ②

On Air Quality, general comment:

The regional transportation plan serves as the basis for the federal Transportation Improvement Plan, which is subject to review by the US Environmental Protection Agency for air quality impacts of transportation projects. Therefore, the air quality section of the PEIR has extensive analyses for studying the air quality impacts of various transportation modes on air quality. ③

Page 3.4-41 (Impact 3.4-6), On Airport Air Quality:

Airport air emissions are specifically referenced on Page 3.4-41 (Impact 3.4-6). The environmental analysis concludes “after implementation of all feasible mitigation measures, activities related to aviation sources in the 2004 RTP (Preferred Aviation Plan) would most likely exceed current conditions regional ROG, NOX, CO, SOX, and PM10.” The PEIR adds that for CEQA purposes, “aviation-related emissions from the 2004 RTP would have a significant and unavoidable (Class I) impact on regional air quality.” In the discussion of mitigation measures for air quality, the PEIR states, “additional environmental evaluation under CEQA will be required for airport expansion projects as well as long-range airport planning efforts at the local level. These evaluations will identify mitigation measures to reduce impacts of airport emissions on local air quality.” ④

These CEQA conclusions may be problematic for the environmental review of cumulative air quality impacts of subsequent airport development projects and airport master plans. The Airport Environmental Handbook (FAA Order 5050.4A) defines that "cumulative impact is the impact on the environment which results from the incremental impact of the action when added to other past, present, and reasonably foreseeable future actions regardless of what agency (Federal or non-Federal) or person takes such other actions. Cumulative impacts can result from individually minor but collectively significant actions taking place over a period of time." In addition, the Airport and Airway Improvement Act of 1982, as amended in 1987, requires that "States certify there is reasonable assurance proposed new airports, runways, and major runway extensions will be located, designed, constructed, and operated so as to comply with any applicable air quality standards prior to receiving federal funding."

Therefore, this section of the PEIR should be carefully reviewed by the Federal Aviation Administration, California Air Resources Board, and the regional air quality management districts. We recommend that special attention be paid to the definition, quantification, and mitigation of cumulative air quality impacts associated with aeronautical activities.

Page 3.5-5, On Airport Noise:

Unlike air quality, the impacts of airport noise are more localized on the immediate communities surrounding aviation facilities. The assessment of single-event noise impacts of aircraft is a relatively new requirement of the environmental review process for airport development projects. There is no standard methodology to assess these impacts, but airport authorities are now required to facilitate public outreach and participation efforts to come up with locally acceptable methodologies to assess single-event noise impacts. To this end, we recommend that the PEIR refer to the conclusions of the Berkeley Jets case law, and briefly explain public outreach and participation efforts by airport managers and airport land use commissions to build consensus in establishing methodology for environmental analyses for single-event noise impacts.

Page 3.4-1 and following, Air Quality – The discussion in the Environmental Setting appears to require a discussion on "overriding considerations" as part of the CEQA findings and statements. Does SCAG plan on including this information in the document?

Pages ES 15-17, two concerns we have over potential conflicts in policies:

One concern is interaction between control strategies for PM₁₀ and those for ozone. For example, in some overlapping PM and ozone nonattainment areas, certain PM-related engine technology controls might increase NO_x emissions that adversely affect ozone. On the other hand, some ozone-related TDM control strategies that enhance the use of diesel-powered transit may increase PM emissions. Has the effect of potential PM increases been considered in relation to toxics and greenhouse gases? Another concern is, as diesel engines become cleaner, the relative share of PM emissions generated by gasoline-powered vehicles very likely will increase. Since diesel is considered a significant source of air toxins, is SCAG convinced that toxin sources will decrease with implementation of the 2004 RTP?

California Department of Transportation
Draft 2004 Regional Transportation Plan Comments
February 09, 2004

California Department of Transportation (Department) comments on the Southern California Association of Governments (SCAG) 2004 Regional Transportation Plan (RTP) and the related Draft Program Environmental Impact Report (PEIR) are based on the following California Transportation Commission materials: "Regional Transportation Plan Guidelines" (*Guidelines*) dated December 1999, the "Supplement to the 1999 Regional Transportation Guidelines" (*Supplement*) dated December 2003, and "Appendix A: Regional Transportation Plan Checklist" (*Checklist*). The *Checklist* is contained in both the *Guidelines* and the *Supplement*, and identifies the required components for all RTPs.

The *Supplement* was approved December 11, 2003 after the release of the SCAG draft RTP but the requirements will apply to this document.

Publication of the *Supplement* followed a *RTP Evaluation Report* prepared for the Commission, which contained a list of 18 recommendations. The *Supplement* identifies 9 items that all transportation planning agencies should ensure are addressed in the current cycle of RTPs. These are not new requirements; rather they are intended to reinforce existing federal or state requirements.

One of the foremost concerns the *RTP Evaluation Report* identified was that the 2001 cycle of RTPs varied in format to such a large degree that it was difficult to discern whether all required content was included when conducting interregional or statewide analysis of the RTPs. To remedy this concern the *Checklist*, which was provided in the *Guidelines*, now includes a request for page numbers for the specific required content. This checklist is to be completed by the MPO or RTPA and provided to the Department with the draft RTP.

Incidentally, it would be easier for reviewers to complete the commenting task in a timelier manner if the *Guidelines* were followed more closely. The *Guidelines* document is available online at: <http://www.dot.ca.gov/hq/tpp/offices/orip/rtp/rtpguidelines/Contents.htm> . In addition we note that the Draft RTP distributed for comment did not reference the availability and location of complementary elements such as the appendices, making it difficult to provide comprehensive review.

RTP General Comments

We wish to commend SCAG for many laudable elements that appear in the Draft 2004 Regional Transportation Plan. The Department supports many of the Draft 2004 RTP approaches, identifications of key issues, and recommendations. Among those elements that we support, we note the following :

- The ‘Growth Vision Alternative’, which is intended to achieve the key strategies of the Plan, such as concentration of employment in mixed-use centers, regional jobs-housing balance, and inter-county transit. That Alternative resulted from input from “literally thousands of Regional stakeholders”. Some of the efforts to gain this input occurred through public workshops, focus groups, and public opinion polls. The values, goals and objectives of the Growth Vision are very desirable and have clearly gained support. However, it is notable that the draft RTP indicates that Plan implementation rests largely with local land-use decision-makers. It might be helpful if some of the incentives were mentioned, for local decision-makers to act for Plan implementation.
- Encouraging non-motorized TDM strategies including biking and walking. Bikeways and pedestrian paths can play significant roles in meeting transportation needs of our region at the local level. Non-motorized transportation plays a bigger role in the densely populated mixed land-use area or corridors. With careful planning it could result in less travel demand and traffic congestion even on regionally significant roads.
- Emphasizing operational strategies: "Getting the most out of our existing system" – This is quite appropriate: As this Department has previously noted, “we can’t build our way out of congestion.”
- Supporting continued preservation and protection of the infrastructure. Replacing the region’s existing infrastructure can be very expensive; therefore it must be protected for future generations.
- (quote from Page 73) “Inspiring safety will not only save lives, but will improve mobility and air quality by reducing or eliminating incidents on the region’s transportation system. Investments in safety improvements such as the adding or extending auxiliary and merging lanes will allow for a safer transition in traffic flow.”
- Supporting continued funding for education and outreach programs to increase general public awareness of varied transportation issues including carpool/vanpool programs and encouraging transit use. We would favor continuing outreach and communication, to find and track effective innovative approaches.
- (quote from Page 88) “Maximizing the potential capacity of arterials becomes an attractive option to increase overall system capacity in already-developed areas. The Strategic Arterial Improvement concept could involve [combinations] of widening, signal prioritization and other Intelligent Transportation System deployment, and grade separation at critically high volume intersections, to enhance the flow speed and capacity of the arterial.”

Regardless of how good a product is, however, typically there is room for improvement. In regard to the SCAG planning process, we have the following comments focused towards improvement:

- With projected doubling of truck traffic by 2030, the feasibility of Exclusive Truck Lanes (similar to HOV lanes) should be considered in future studies.
- Because the Pacific Surfliner service provides an important element of mobility within the SCAG region, we request there be a discussion of inter-city rail service.
- The current demand for one million new homes/dwellings, according to some estimates, in Los Angeles County alone, makes PILUT 2, with its focuses on improvement and expansion of infrastructure outside the urban centers, a more favorable alternative for outlying areas.
- City, county, state and federal transportation funding projections should be examined periodically to determine and adjust the feasibility of the Capital Investment Plan, Program and Implementation (CTP). This would require cooperative city, county, state and federal programming and planning in meeting the regional planning requirement and compliance to minimize consequential impacts to the State's mobility programs. The CTP should reflect the region's obstacles in implementation and identify a more precise vision and mission in consideration of the current fiscal and economical picture for current and future years.
- We note the continuing major developments of linkages in the Los Angeles County transit network: The northwest region with the SFV BAT projects, the northeast region with the Pasadena Gold Line and its Claremont extension, the southwest region with the Expo LAT and Mid-City BAT, and the east with the Gold Line Eastside, all into the LAUS. The Metro Center Connector connecting the Gold Line, Blue Line and the Exposition Line is essential for operational efficiency. We caution, however, that performance measurement and forecast modeling should be reviewed for consistency, particularly in assumptions on ridership and effects on other modes of transportation. Identified needed improvements should be implemented and corrections made in the ATP.

[vertical spaces intentionally left here]

In the remainder of this section, we have miscellaneous comments.

The approved March 2003 PSR/PDS for I-5 between State Route 14 and State Route 126 should be mentioned, for one HOV lane in each direction and one truck lane in each direction. We recommend that the SCAG RTP include reference to the 2002 Imperial County Transportation Plan in discussion of highway projects, to allow consideration of other potential near-, mid-, and long-term projects.

Emission Budget Comparison numbers for South Coast and Coachella Valley areas need to be revised to reflect boundary changes. Numbers in the published draft for South Coast are stated as "excluding Banning... area" : That was correct until the EPA effective date of December 2003, when boundary change resulted in Banning Pass area inclusion into South Coast and deletion from Coachella Valley. The existing emission budgets were not changed, though such change will probably occur as part of the revised SIP submittal of South Coast AQMD that is currently in process at ARB. Emission budget comparison for Coachella Valley portion of Mojave Desert (SE Desert Modified) ozone area also should be checked, with Banning Pass re-designation and the eastern boundary changed to match the PM10 area. Differences should be minor. This is mainly a case of crossing t's and dotting i's.

Regarding High Desert Growth:

Rapid growth is expected in the High Desert Area, especially north of San Bernardino. By all projections, this is the next growth “ring” in Southern California over the next 25 years and will impact mobility and development in the Santa Clarita-Palmdale-Victorville areas. In addition to the population growth and housing/development dimensions, it also has a goods movement component, particularly as both Palmdale Airport and Southern California Logistics Airport are primed for growth in air cargo and other freight distribution operations, along with other airports in the Inland Empire. While the selected growth vision does not emphasize this approach, we believe that this ongoing development trend and its implications nevertheless should be more strongly discussed in the RTP.

Improving Goods Movement Infrastructure

We believe the use of the current regional goods movement infrastructure (specifically, rail) has not been maximized. Thus, the highway system in Southern California has been strained, especially around the San Pedro Port area and along corridors that move freight by truck to the downtown intermodal facilities and the highways that lead to the Inland Empire warehousing and distribution centers. This issue needs to be more strongly identified in the RTP as a critical part of goods movement in Southern California that should be addressed.

Goods movement is a critical part of any discussion of regional mobility in Southern California. The SCAG region is home to the third largest seaport complex in the world, which impacts the regional transportation system, with both high volume truck traffic on the highway network, as well as high volumes of rail traffic. In addition, the region’s airports move significant volumes of air cargo, and there are numerous warehousing and distribution centers throughout the area.

The SCAG Draft RTP contains very good work in incorporating goods movement issues throughout the document. But it would be stronger if it included a brief overview of current and future trends in goods movement (e.g., the increased trade with China and Pacific Rim nations and the impacts on the surface transportation network in Southern California). We believe that it would be beneficial to include a separate goods movement element in the RTP. Through integrated planning (PILUT), however, the RTP does well in addressing goods movement issues by infrastructure and funding needs.

It is good that SCAG recognizes the “crisis” aspects to goods movement mobility in the region and the modal planning needed for preparing to deal with it. It would also be helpful, in the section on goods movement, to note the need to look at community impacts of goods movement and address them early in the planning process. Environmental justice issues will no doubt increase and be a significant part of any decision making process for goods movement projects in the future. The SCAG Region Truck Travel Trend numbers should be articulated beyond just the bar graph.

The ongoing air cargo trend in Southern California is the conversion of former military bases into logistics/air cargo airports, which will impact the state highway system and off-system roadways, as more trucks will be accessing these locations. This will also impact regional rail operations and might

result in need for additional freight rail infrastructure for access to these cargo facilities. It must also be stated that former air bases such as George AFB (which is now the Southern California Logistics Airport) and San Bernardino International (SBIA) are planned to be much more than simply cargo airports: And that will mean additional mobility impacts in places which have seen little development or experienced the impacts of development (auto and truck traffic congestion, air emissions, etc). Page 52 contains a good example of putting into context the role the SCAG region plays regarding air freight in the entire Southern California region (including Orange and San Diego Counties) and the amount of air cargo they produce versus how much is moved through their own County airports. Incidentally, we believe that a potential air cargo facility in Imperial County and a potential Imperial County airport should be considered.

With regards to goods movement issues, it is imperative that the private sector be included in the development of mobility initiatives regarding the movement of goods. This is a requirement for Metropolitan Planning Organizations and State Departments of Transportation as stated in the Transportation Equity Act for the 21st Century federal transportation bill. Trucking, rail and air cargo carriers and shippers are examples of the industry representation that should be involved in the development of regional policies included in RTPs. On page 28, it states that development of the draft RTP was coordinated with county transportation commissions, subregional councils of governments, transit operators, and other transportation stakeholders. But private sector stakeholders, including goods movement interests, are not mentioned. The role of GMAC is indicated in the Goods Movement Technical Appendix, and its role is noted in determining goods movement project listing and providing rail grade crossing projects: But it is not indicated there how the private sector was consulted in helping craft the “vision” of the draft RTP itself. The role and involvement of the private sector, especially in relation to the goods movement industry, should be mentioned in the RTP.

To avoid a gap in regional analysis, incidentally, we recommend reference to that international goods movement between California/Mexico involving utilizing the Imperial County ports of entry (POEs).

Overview of State and Federal Requirements

[This is a topic noted on RTP Draft Page 26]

It is said the first four years of the plans must be consistent with the four-year STIP. Should this read a five-year STIP program? It is noted that each plan must contain a Policy Element, Action Element and Financial Element.

In this draft RTP, these elements are not necessarily discreet segments or chapters of the document and often the draft RTP Appendices contain information that would typically be presented in those elements. We suggest that it would be valuable that the RTP text includes specific reference to the title of the Appendix and page numbers, when additional information that augments the RTP chapters is located in an appendix.

Additionally, though it is not expected that this RTP section note all required state and federal legislation/regulation, there are some requirements that this RTP does not appear to address. All mandatory requirements are identified in the CTC Guidelines: Appendix A: Required by State or Federal; Legislation/Regulation, including the following excerpts.

- Each RTP shall be action oriented and pragmatic, considering both the short-term and long-term time periods (Government Code Section 65080).
- The RTP shall demonstrate consistency with federal and other planning and programming requirements (Government Code 65080 (c)).
- Each RTP shall include a Policy Element that: (1) describes transportation issues in the region, (2) identifies and quantifies regional needs expressed within both a short and long-range framework; and (3) maintains internal consistency with the Financial Element fund estimates (Government Code 65080 (b)).
- The [Policy Element] objectives shall be linked to a time specific period for implementation, namely short-range and long-range time frame, (Government Code 65080 (b) (1)).
- The Action Element shall address identified issues and needs, be consistent with adopted transportation goals and policies, conform to state and federal mandates, and be consistent with the financial constraints identified in the Financial Element (Government Code 65080(a)).
- The Action Element shall conform to projected revenues and costs in the Financial Element (Government Code 65080 (b) (1)).
- The first four years of the Financial Element shall be consistent with the STIP fund estimate adopted by the CTC (Government Code 14525 – as per SB 45).
- The Goal, Policy and Objective statements shall be consistent with the Financial Element and projects included in the ITIP and RTIP shall be consistent with the RTP (Government Code 65080 (b)(1)).

As currently presented, this RTP does not contain either a short-term (10-year) or long-term (20-year horizon) as required, nor does it appear to meet the other requirements listed above. While the SCAG RTP provides a thorough analysis of revenue sources and funding challenges that will be faced in its region, it does not conform to the requirements noted in the Guidelines Appendix A. That is because there is neither discussion or methods utilized to explain and show how the \$120 billion identified as needed for the plan period will be applied in the specified time frames.

The CTC *Checklist* also includes, “where there are Native American Tribal Governments within the RTP Boundaries, the Tribal concerns have been addressed and the Plan was developed in cooperation with the Tribal Governments and the Secretary of the Interior (Bureau of Indian Affairs)”. Although the Plan does not, as yet, specifically address this requirement, we are aware that SCAG hosted a Tribal Summit during the development of the Plan. The date of that meeting is noted in the Public Involvement Appendix. In addition, we encourage SCAG to include in the RTP a discussion regarding this consultation, any concerns that the Tribes requested be addressed in the RTP and further consultation efforts, which will be undertaken in the future.

A Socioeconomic Data Comment

For each of the following four areas listed, in Riverside County, we request specification in the Plan document, of whatever assumptions or documentation SCAG used to support the data:
[This is regarding following page 36, Exhibit 2.3, entitled "Population Increase 2000-2030"]

1. In the Mira Loma Area of Riverside County a population growth of some 70,000+/- (area west of I-15 north of Norco to the County Line) is assumed. Much of this area is designated for Medium Density Residential development of up to 5 units per acre in the recently updated Riverside County (Jurupa Area Plan). Several new detached single family residential subdivisions have been developed in recent years at roughly 5 units to the acre. The available vacant acreage would appear to support significant growth but does not seem to correlate very well with the densities assumed in the 2004 RTP. The new single family homes developed in this area seem unlikely to be redeveloped.
2. In the Glen Avon/Pedley/Jurupa area of Riverside County south of SR-60 west of downtown Riverside, population growth of some 60,000+/- people is expected. Within the newly adopted County General Plan (the Jurupa Area Plan) most of the residential designation in this area is for 1/2 acre to 1 acre detached single family residential. Rural homes implementing the Low Density Designation are widely developed in this area.
3. In the southwest and southeast quadrants of the SR-60/SR-91/I-215 Interchange a population increase of some 50,000+/- people is assumed. Much of this area is developed with established detached single family neighborhoods (some of which are older historic portions of Riverside's Downtown). Other areas in this vicinity are developed primarily with a mixture of industrial and commercial uses. The current City of Riverside General Plan does not appear to designate this area for this type of growth.
4. In the southeast quadrant of the SR-60/I-215 Interchange bordering Moreno Valley an increase of some 35,000 +/- people by 2030 is assumed. This area has been developing for some time now with newer commercial and office uses. Given the limited area in question, it seems that existing commercial and office uses was assumed as apartment or condominium towers. Some of this area is proposed to be designated "Residential Office" in the City of Moreno Valley's current draft General Plan but even if these areas were developed for residential use as suggested the residential density would only allow up to 15 dwelling units per acre. Some of this area is also in the City of Riverside and is developed with a newer shopping center and also seems unlikely to redevelop soon.

RTP Specific Page Comments

Page 1 and Page 2, Executive Summary – Throughout the entire document acronyms are consistently defined and identified; however the document is silent on the definition of COMPASS. Since projected growth for the SCAG region, presents significant challenges for the region, and since SCAG has made a tremendous effort to deal with growth in its Southern California visioning process called COMPASS. We recommend that the COMPASS reference be defined.

Page 2, A New Destination – It is laudable that SCAG has “identified their Growth Visioning effort to engage the public in transportation planning in an interactive process to arrive at a shared conception of the region’s future.” Also laudable is recognition of the need to address the federal requirements to engage the traditionally under served. We recommend adopting a measurement of success at reaching out to the under served populations (i.e., the traditionally under-served such as minorities and low-income who actually participated in the development of the RTP). We also recommend enlarging a List of Stakeholders in the development of the RTP (p. 29) to include underrepresented groups as stakeholders. We suggest considering more than the two alternatives identified (see later comments under Potential Growth Patterns).

Page 3 and 44, Unprecedented Demand – Port of Los Angeles and Port of Long Beach are the USA’s two largest ports, not 2nd and 3rd largest. Both are significantly larger than New York, which is #3.

Page 7, Land Use-Transit Coordination – These are helpful comments that address the importance of land use and transit. We believe that there should be more substantial identification of the importance of “land use and transportation” connections in the Highways and Arterials section (p. 6) as well. That is, consider including more information/emphasis on how land use impacts the transportation system, particularly the state highway system.

Pages 8, 48 and following and 96 and following, Goods Movement – Are these the only two “strategies” dealing with freight in SCAG’s region? The growth forecast listed in the opening paragraph should be more narrowly defined.

Page 9 and Page 108 and Following, Aviation –

San Diego County continues its decades-long search to augment or replace its primary commercial airport, San Diego International Airport/Lindbergh Field (SDIA). We note that State legislation (AB 93) created the San Diego County Regional Airport Authority (Authority), which took over the operation of SDIA from the San Diego Unified Port District on January 1, 2002, and also empowered the Authority to plan and operate any future airport replacing or augmenting SDIA.

We also note that recent studies indicate that the current single-runway operation in San Diego will begin to fail within the next 10 years. The Authority has initiated the *Aviation System Planning and Airport Site Selection Program* (ASSP) that has progressed through a comprehensive initial screening of airport site location alternatives for further analysis. There are two sites remaining from the initial screening located in the SCAG region. Those sites are: 1. A desert location in Imperial County (near Interstate 8); and 2. March Air Reserve Base in Riverside County

Following Page 13, Exhibit 1.1 – We recommend the use of the base map shown in Exhibit 1.1 for all other maps throughout the plan for this includes Imperial County.

Page 16, Riverside County Measure A – The two paragraphs need to be checked for consistency.

Page 17, Plan Implementation – Under regionally significant special studies list, please include the High Desert Corridor (HDC) study.

Page 20, Potential Growth Patterns –

The Department supports the focus of PILUT I on transit improvements as that would help relieve traffic congestion and improve air quality in the SCAG region.

The Plan examined two alternatives, infill and new roads to new development. Discussion focused on the deterioration of almost every performance measure in the region related to socio-economic well being. Discussion also focused on the predominant development pattern encouraging auto-dependency and segregated land uses, that continues to erode the region's quality of life. We recommend considering the importance of alternative growth scenarios--like growth in and around existing, established communities--to contribute toward reversing these socio-economic trends.

Page 21, (quoting) ...the region has been failing to fully exploit its various economic advantages, notably its position as a major international shipping and logistics center...

While transportation infrastructure is in need of maintenance dollars and capacity improvements, it should be noted that the Southern California region *has* moved forward with seaport expansions, with development of warehousing in the Inland Empire, and with the conversion of military airports to air cargo/logistics centers.

Page 22, Creating a Feasible Land Use/Transportation Plan –

Indication here is that, in developing the Growth Vision alternative for the RTP, new denser [mixed use] development would be centered around major arterials and other transportation corridors. To the extent that the identified implementation actions are not within the jurisdictional control of SCAG, these land-use strategies and funding options may present conflicting options for local land-use decision makers.

The Plan indicates the Growth Vision goals and objectives are supported within the region and local jurisdictions and agencies have had the opportunity for input. However, since the Plan relies so heavily on local funding and local land-use policy/decisions, it seems that the Plan could include a discussion that shows how the local jurisdictions find the Plan goals and objectives, and particularly action items that would fall to local jurisdictions, to be implementable. We also suggest this Plan and/or future Plans contain performance measure(s) that test the viability of the Plan from a local jurisdiction standpoint.

Establishing Performance Measures to which local jurisdictions have the opportunity to provide input could demonstrate the viability of the goals, objective and actions items of the Plan and possibly assist in the developing Regional consensus for the Growth Vision.

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Page 29, Public Outreach –

Titles 23 CFR Sec. 134, 135 state that where there are Native American Tribal Governments within the RTP boundaries, Transportation Plans shall consider and address concerns of the Indian Tribal Governments. It is stated that a plan shall be developed in cooperation with the tribal government and the Secretary of the Interior (Bureau of Indian Affairs). Other than including the tribal communities in the stakeholders list, there is no mention of the tribal government concerns in this section.

Page 33, Housing and Households – The plan includes a discussion of lack of housing in the region. We recommend as follows: Consider more discussion of affordable housing, or strategies needed to correct the jobs-to-housing ratio balance. Consider strategies on how to deliver the quantity and diversity of housing needed in the region, particularly housing that is affordable for workers, young families and seniors, providing policies that enable the region to deliver the needed supply of affordable housing. This is extremely important in light of the projected economic pressure that the RTP projects:

“...the regional economy is expected to face tremendous downward pressure and may not be able to produce the jobs, wealth and prosperity that it did in prior decades. The economic health of the region is tied to job growth, particularly the creation of high-pay jobs that match the skills and education of the region’s future workforce made up primarily of households headed by minority populations.”

Page 35, The Regional Baseline or No-project Growth Projection for 2030 – The plan identifies that more and more the key strategy in improving the transportation mobility, housing affordability, and social equity is not to form regional scale solutions, but on treating “hot spots.” The plan indicates that the “sum of the collaborative fixes” influences the direction of regional growth. We recommend reconsideration that the long-term health of the region may depend more on regional approaches and less on short-term approaches like treating “hot spots.”

Page 43, Meeting TDM Goals – It is laudable that the plan calls for strategies to improve bicycle and pedestrian movement. We suggest adding a statement that addresses the importance of “high-density, mixed-use development” to promote non-motorized transportation.

Page 44 Highways and Arterials – The analysis should reflect the relationship between transportation demand (VMT) versus Capacity (Lane Miles) in lieu of comparing population to capacity. Furthermore, the 350% increase in VMT has dual significant impacts one on level of service and congestion and the second on the infrastructure. This utilization compounded by the aging highways and in particular the freeway system, which functions as the backbone of the overall transportation network, would necessitate greater funds be allocated for their maintenance in order to continue to be a safe and efficient system.

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Page 46 Public Transportation – This section basically shows no long-term difference in the growth of transit use; basically, transit usage is shown the same now as in 1985 even though many large transit projects (Metrolink, Metro Blue line, etc.) have been built in the region. The one bright spot in transit is the Bus Rapid Transit demonstration project. The transit subsidies chart follows this on page 48 and relies on information from the National Transit Database. The chart shows the transit subsidies by county rather than by mode; it appears to mix together Metrolink, paratransit, buses, and the Metropolitan Transportation Authority (MTA) system all as one transit system. A more useful chart would be a break down by system rather than by county. This would give a more accurate picture of the transit subsidies. One of the major transit issues in the SCAG region, the Orange County Centerline project, is not covered at all.

Page 51 and following, page 108 and following –

The Department supports SCAG's continuing effort to foster the development of an effective regional approach to meeting demand for commercial air transportation in the region. Development of the RTP Preferred Aviation Plan included detailed studies based on innovative modeling and outreach to stakeholders in order to achieve regional consensus. We believe that several assumptions on which the RTP Preferred Aviation Plan depends may prove to be formidable challenges, however. Those assumptions of concern to the department include: **Airlines buy-in on the Preferred Aviation Plan.** A key feature of that Plan is Airline "Brokering" facilitated by airports, resulting in cooperation between airlines. Our review of the aviation task force participants indicated participation by only a single airline representative. Isn't it likely that competitive realities (and perhaps anti-trust law) make this level of cooperation an elusive objective? If so, the robust flight portfolios necessary to effectively distribute regional air transportation demand and supply as called for in the plan may fail to materialize. And, as airline long-range plans tend to extend out closer to 30 months rather than 30 years, early buy-in is unlikely. Are there recent examples of such cooperation between airlines to support the assumption that they will buy-in?

Page 53, Table 2.5, Air Cargo Tonnage – It seems as if the 1980 Total should be 888 instead of 887.

Page 53, Paragraph 1 – We recommend quantifying "busiest" as used in the statement that ends "...make Southern California the busiest of all regions in the country." Does "busiest" mean in terms of passengers, operations, scheduled flights, etc.? If so, which, or is it all of them?

Page 54, Exhibit 2.7 – The definitions of a "commercial airport" and a "commuter airport" are not provided. As these names are also not consistent with FAA or State airport classifications, a definition would be useful.

Page 55, Paragraph 1 – A footnote defining the term or referring to specific discussions of "legal capacity" would avoid ambiguity and reader confusion. Also the repetitive use of the word "all" in reference to the region's airports may be unnecessary. In the last sentence, perhaps it would be clearer to state: "... the suburban airports have excess capacity, ...".

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Page 55 and following, Transportation Finance Challenges – Data show that an estimated 66% of the committed regional expenses will be spent on operations and maintenance with 75% of the revenues coming from local money. If the SCAG region loses most of the state and federal money, there will be barely enough to cover operating and maintenance costs. A larger concern is renewing the sales tax measures since they bring in considerably more money and are now set to continue only a few years.

Page 61, Aging Society – We agree with discussion of planning for an aging society, and we also recommend additional discussion on planning for the growing needs of the “young.”

A page 70 – 73 under System Management – The write-up focuses mainly on data collection and does not take the opportunity to discuss all the components and strategies of the System Management Philosophy as depicted in Figure 4.2. Department District 12 requests an opportunity to meet and discuss system management strategies and critical system needs so that Chapter 4 can be amended to adequately address system management program. The California Department of Transportation southern Districts developed the TOPS Program that provides a comprehensive strategy to reduce congestion through improved system management on the state highways.

Page 71, Table 4.1 – State Highway Regional Total should be \$6.2 billion instead of \$6.0 .

Page 71, Figure 4.3 – This shows Preservation Investment Distribution over the Plan Horizon. The analysis provided indicates that the state highways and arterial system are the key components of the multi-modal transportation system (over 95%) of travel yet they receive slightly over 34% of the investment. This assumes that preservation of infrastructure is not included in the calculation since it serves both transit and other modes. If the document included cumulative CMP data/results for the region, perhaps an important assessment could be made (of highway vs. arterial vs. transit, etc.) to determine whether the appropriate projects and priorities are being brought forth in the RTP.

Page 73, Congestion Management – The document states that the CMS is an integral part of the regional transportation planning process and notes that CMP activities and resulting data are updated on a biannual basis by each CMA and supplied to SCAG. However, the Draft RTP does not include/discuss any of these important CMP results/data. The RTP should include the individual and cumulative CMP results for the region. Specifically, the document should include/discuss the individual and cumulative deficiency plans developed by the 5 CMAs in the region and address how the results/data is used in developing RTP projects and priorities.

Pages 79 & 80, Land Use and Transportation Connection –

Land-use development that would put less stress on the transportation system seems appropriate, but further consideration of implementation of such objectives would be very helpful. Concrete policies / incentives to promote such kinds of development should be suggested, for research, testing, improvement, and evaluation. Also, it should be noted that ancillary improvements to avoid unintended transportation consequences should be planned as appropriate, together with such development. A specific example might be sufficient roadway throughput capacity, such as for vehicles exiting freeway off-ramps, for transit-oriented park-and-ride facilities.

Page 83, Table 4.4 – Consider changing the Table Title from HOV Projects to HOV Gap Closure Projects, since this is how it is referred to on the previous page.

Page 87, Mixed Flow Projects Table – We recommend inclusion of the following projects from the 2002 Imperial County Transportation Plan:

Project		
SR-7 (SR-98 to I-8)	2004	Imperial
SR-78/SR-111 (Brawley Bypass)	2006	Imperial
I-8 (Imperial Avenue interchange improvements)	2012	Imperial
SR-98 (SR-111 to Dogwood; SR-111 to SR-7)	2012	Imperial
New east-west facility corridor (Aten Road to Keystone Road)	2012	Imperial
New north-south facility corridor (SR-78 to I-8, Forrester Road Corridor)	2012	Imperial

The last project shown in the preceding table is the “New north-south facility corridor (SR-78 to I-8, Forrester Road Corridor)” and has been identified by the Department and IVAG as one of our highest priorities for need of feasibility study. However, there are currently no funds available for this effort.

Page 89, Public Transportation System – Why does not the Draft RTP mention inter-city rail service in the SCAG region? The PEIR does include discussion of the Pacific Surfliner intercity rail route / LOSSAN corridor between San Luis Obispo and San Diego, on page 3.3-12. It also contains reference to the Sunset Limited, Southwest Chief and Texas Eagle intercity rail services. In contrast Metrolink Commuter rail services are discussed on pages 7 and 90 of the Draft RTP.

Page 94, Exhibit 4.5 – Does the Rail Plan include the Exposition Rail Line, which MTA is developing?

Page 96 and following, Goods Movement –

We agree that the best means to handling trucks on our transportation system should be explored through a multi-modal study such as the proposed Eastern Gateway Freeway Corridor Study. This also provides a mechanism for the RSTIS process before a specific mode and alignment are selected. Imperial County projects and needs should be addressed under this section. Roadway Improvements to address truck demand could be included and should include State Route 7 and State Route 78/86.

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Pages 96-103, Goods Movement (Potential Solutions) – Roadway Improvements to Address Truck Demand –Dedicated truck toll facilities are ONE option (and an expensive one) of improving goods movement mobility. However, considerable opposition remains to this type of improvement, including from key transportation stakeholders and the more general public. Truck climbing lanes are an additional, important improvement type to facilitate truck movement out of the Los Angeles basin. But this section also needs a discussion of how the current system capacity could be optimized for freight movement, including changes to seaport gate and shipper/receiver pickup and delivery hours. This section could also address how other issues that directly relate to goods movement industry operations will be addressed as part of a larger regional transportation strategy, including air quality conformity, community/neighborhood impacts, environmental justice, etc.

Page 99, Regional Rail Capacity Improvement Program – Please address the re-opening of the San Diego Arizona Eastern railway from San Diego to Imperial. Not only is new infrastructure needed in the Port area as stated here, but there is also a significant need to *maximize* the use of current goods movement rail infrastructure (which is currently not being accomplished). Rail shuttle services to the Inland Empire could be one of those alternatives. There is also the need for projects that address the rail infrastructure shortfalls, both near-term intermodal yard capacity development, and mainline track capacity additions.

Pages 99-101, Regional Rail Capacity Improvement Program Financial Strategy – It is good to see that SCAG is looking to find ways to permit public investments in regional rail capacity projects. This is a significant issue as it relates to providing funding of future publicly beneficial goods movement projects. The concept of developing a Southern California Railroad Infrastructure Financing Authority (SCRIFA) to help fund needed rail projects including grade separations and other “freight rail facilities” is an innovative approach, but will probably require state and perhaps federal legislation to implement. Are there examples in the United States where such authorities presently exist?

Page 103 – It is good that SCAG is considering the Inland Port concept, although the text is fairly neutral on whether such a project should be developed. What location does SCAG believe to have the best potential location for an inland port complex? At present, no indication is given in the text.

Page 104 and following, Maglev System – We appreciate that planning should be aggressive for adoption and expansion of the MAGLEV system as a more reliable and faster mode of transportation. We believe that High Speed Rail should compliment circulation among as well as within MPO regions. Though a promising new technology could facilitate the full-scale development and effectiveness of the regional airport system, we believe that the critical impact on Palmdale that MAGLEV connection with LAX would have cannot be understated. That connection is assumed to be the foundation for developing international travel to and from Palmdale. Development of the MAGLEV connection is estimated to cost 8.2 billion dollars, and necessary infrastructure projects to develop Palmdale International Airport are estimated to run an additional \$1 billion. Assuming that the RTP MAGLEV milestone timeline is adopted, a total of \$16.4 billion in capital expenditures on MAGLEV system development will be needed in order for the connection between LAX and Palmdale to become reality. Extensive delay or eventual cancellation of the MAGLEV project would make doubt of Palmdale becoming the third busiest (in MAP) regional airport by 2030. Without such Palmdale growth, to which airport(s) will some (or all) of the forecast 12.8 MAP be allocated and how will they get there?

Page 108 & 109, Table 4.14 & Table 4.16 – Both tables need the airport abbreviations defined. Further, the measure "million annual passengers" should be noted in Table 4.14, not merely in the text. If the intent is to use FAA three letter identifiers for each airport in the table, then:

John Wayne/Orange County Airport's is: SNA

March Air Reserve Base's is: RIV

Southern California Logistics' is: VCV

Page 109, Aviation (Potential Solutions) "Other airports in Palmdale and the Inland Empire go from serving no air cargo to serving a combined 44 percent." – Where did this figure come from? Is this from the "Preferred Aviation Plan"? Has this plan been separately adopted by SCAG's board? While it is hoped that airports in this area will take on more air cargo volumes in the future, the 44 percent figure seems very optimistic. We request some documentation on this.

Page 110, Paragraph 2 – The terms "robust flight portfolio" and "catalytic demand" are defined in Appendix D-6 (Aviation) but not in the glossary of this document. Reference to that appendix or inclusion of the terms in the glossary is recommended.

Page 113 and following, Recommended Funding Strategies – We recommend expanding this section based on more realistic assumptions. SCAG lists as their #1 strategy to protect and strengthen existing transportation revenues, specifically Proposition 42 or amend the state constitution to allow 55% voter approval for sales taxes, adjustments to the motor vehicle fuel excise tax rate, or tax alternative fuels. Each of these will require state actions. SCAG should also focus on the local sales tax.

Page 134, Economic Impact Analysis – Paragraph 1 please check for clarity.

Page 141, Aviation Noise – The discussion details the disparities of noise impacts along both ethnic and income categories. The issues raised appear to be environmental justice issues, though the term environmental justice is not mentioned. Also, this section details inequities of noise impacts at length with no mention of potential solution strategies other than reference to an improvement over the findings of the 2001 RTP. Is it desirable to promote a plan that results in disproportionate noise impacts without discussing potential solutions?

Page 153, Regionally Significant Transportation Investment Studies – While it is indicated that "economic and environmental impacts" will be considered as part of a RSTIS analysis, stating specifically "goods movement benefits would be identified" would be a more positive indication in this section. If indeed goods movement mobility is a "crisis" in the SCAG region (as noted in the RTP), projects that help alleviate or lessen the impacts of this crisis need to be separately identified from other types of mobility projects.

Page 159, Corridor Preservation – The State Route 126 Santa Clarita Bypass is not a likely project. An early 1990s route adoption was unsuccessful due to an inability to come to an agreement, and the existing highway through Santa Clarita has been relinquished to the City. SCAG should remove the State corridor bypass from the system. The City is proceeding with an expressway from State Route 5 to State Route 14.

Draft 2004 Technical Appendices

Specific Page Comments

> Appendix E – Transportation Conformity

Page E67, Paragraph 3 – The second sentence in this paragraph appears to be incomplete

Page E22, Paragraph 3 – It would be useful to identify the time frame in which regionally significant projects fall, to be considered baseline for the NEPA process. For example, would the project be identified in e.g. the last two years of the existing TIP and carried over into the new TIP qualify it as “baseline”?

> Conformity Analysis

- Emission Budgets – South Coast Air Basin and Coachella Valley
 - Have numbers been revised to reflect the recent boundary changes?
 - EPA recently changed (December, 2003) the boundary for Banning Pass. As a result, this area (Banning Pass) is now part of the South Coast, and no longer part of the Coachella Valley
- Emissions Budgets – Coachella Valley portion of Mojave Desert (South East Desert Modified) ozone area may need to be revised since the Banning Pass boundary is now changed. The eastern boundary has been changed to match the PM10 area.

> Appendix I, Project List

State Route 210 in San Bernardino County was sometimes referred to as its previous designation, State Route 30. For consistency it should be referred to as State Route 210 in all instances in the Appendix as well as all other sections in the Plan.



Los Angeles World Airports

Rec'd 2/9/04
E-04-0029

February 9, 2004

Mr. Mark Pisano
Executive Director
Southern California Association of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Subject: Comments to the Draft Program Environmental Impact Report (PEIR) for the 2004 Regional Transportation Plan (RTP), SCH# 2003061075

LAX

Ontario

Van Nuys

Palmdale

City of Los Angeles

James K. Hahn
Mayor

Board of Airport
Commissioners

Theodore Stein, Jr.
President

Cheryl K. Petersen
Vice President

Miguel Contreras
Eileen N. Cowine
Alan J. Llorens
Armando Vergara, Sr.
Peter M. Well

Kim Day
Interim Executive Director

Dear Mr. Pisano:

Los Angeles World Airports has reviewed the above referenced PEIR and offer the following comments:

Adequacy of the PEIR

- The PEIR does not provide enough detail on the input information to assess if the analysis is adequate and if it properly assesses the impacts of the proposed plan. Further, without the input information it is impossible to assess if the mitigation measures are adequate to offset the associated impacts. The plan is left with a number of "significant and unavoidable impacts" as a result of the plan and limited mitigation opportunities. In this case, there should be much more information about the benefits of the plan for decision-makers to choose if the plan is worth these impacts. In short, the PEIR does not provide the information necessary for the decision-makers to make an informed decision as directed in Sections 15002 and 15003 of the CEQA Guidelines. ①
- Given the lack of detail on the input information, it is assumed that the assumptions presented in the proposed Regional Transportation Plan (RTP) were applied to the analysis and modeling. Some of the assumptions are based on new concepts and technologies that do not have quantifiable results, let alone proven outcomes. Given this and the lack of input information, the analysis and the conclusions contained in the PEIR are questionable. ②

In a separate letter, the Los Angeles World Airports has outlined our concerns with the overall Plan and its concepts. Without having to repeat those concerns, and in the interest of keeping the focus of this letter on the PEIR, the following is a summary of some of the concepts we feel are not realistic or will not come to fruition. Incorrectly applying or relying on unrealistic concepts could predisposition the results. It would be misleading to the decision-maker if they did not also know the extent to which the assumptions were carried out in the modeling and analysis. We request that this information be made available. ③

Mr. Mark Pisano
February 9, 2004
Page 2 of 3

Maglev System

- It is unlikely that passengers will board Maglev at LAX to go to other airports. What percentage was used in the model of passengers using Maglev at LAX to arrive at other airports? ④
- The plan assumes that a high speed rail system would be used as a means of redistributing cargo as well as passengers to regional airports. Please provide numbers associated with this redistribution. No mention is made in the plan about the motivation or the means of such a fundamental shift in the way that air cargo is distributed. The use of this assumption without further analysis calls the results of the modeling into question. ⑤
- On Page D-6-15 of the Technical Appendix, an assumption was made that Maglev trains would run every 10 minutes with unconstrained load factors. How will the movement of cargo be facilitated with such short intervals? Will trains be equipped to handle cargo and the efficient loading of cargo? ⑥

The Proposed Aviation Plan

The forecast for Palmdale Airport (PMD) at 12.8 MAP is not reasonable. The assumptions that were required to allow the RADAM model to achieve this level of service at PMD were too broad and unsubstantiated. A reduced level would have to be accommodated elsewhere in the region, thereby redistributing the impacts and probably increasing them. ⑦

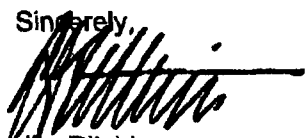
- The RTP assumes that PMD will handle 14.1% International operations and that Ontario International (ONT) will handle 17.3% International operations. On Page D-6-33 of the Technical Appendix, it demonstrates that demand is highly volatile with passengers willing to travel up to an additional three hours to an alternative airport such as Tijuana to realize a savings of \$45 or more. From what points in the SCAG region will the passengers originate and what types of travel will occur (business, leisure, tours) and to what international destinations will PMD support? ⑧
- ONT capacity is set at 30 MAP in the RTP. Our airfield modeling has shown that the airfield capacity is between 25 and 28 MAP depending on acceptable delays. It suggests that the RTP probably over estimated the impacts associated with ONT by attributing too much capacity. This capacity would have to be made up at some other airport, which in turn would cause the impacts to be redistributed in a different pattern throughout the region. ⑨

Mr. Mark Pisano
February 9, 2004
Page 3 of 3

- Assuming the growth visioning forecast and consequent intensification of existing urban activity centers, LAX will remain the closest airport for domestic air services for a larger population. It is unreasonable to assume that this population will choose remote airports over LAX. What service area is predicted for LAX? In other words, at what distance away from LAX will passengers consider alternative airports? (10)
- It is not clear to what extent the impact of the California HSR has been considered in the plan. What impact did HSR have on the total demand for short-range air service and the overall viability of the regional airports? (11)
- The RTP is predicated on attractive financial packages, low landing fees and leasing rates, subsidies for new services and mutual cooperation that does not now exist. Failure of any one of these elements to materialize would alter the results of the analysis and jeopardize the regions commitment to fulfilling its transportation goals. (12)

Thank you for the opportunity to review the PEIR for the 2004 Draft RTP. We look forward to your responses and hope these comments will also serve to assist the decision-makers with their consideration of the RTP.

Sincerely,



Jim Ritchie
Deputy Executive Director
Long Range Planning

JR:jm

cc: Kim Day, Interim Executive Director, LAWA
Nancy Pfeffer, SCAG



CITY OF LAGUNA NIGUEL

Community Development Department
27781 La Paz Road • Laguna Niguel, California 92677
Phone/949•362•4360 Fax/949•362•4369

CITY COUNCIL

Joe Brown
Cathryn DeYoung
Linda Lindholm
Mimi Walters
Mike Whipple

Rec'd 2/9/04
E-04-0030

February 9, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017-3435

**SUBJECT: COMMENTS ON THE DRAFT ENVIRONMENTAL IMPACT REPORT
(SCH#2003061075) FOR THE 2004 REGIONAL TRANSPORTATION PLAN**

Dear Ms. Pfeffer:

Thank you for the opportunity to comment on the Draft Environmental Impact Report (EIR) for the 2004 Regional Transportation Plan (RTP). The City Staff has reviewed the Draft EIR and offers the following comments:

- 1) The DEIR (Impact 3.1-3) identifies the potential to create inconsistencies between land use strategies in the 2004 RTP and currently adopted local land use plans and policies as a significant impact even after mitigation measures are implemented. The City supports this conclusion contained in the EIR and requests a copy of the Statement of Overriding Considerations and applicable findings, when they become available. (1)
- 2) The DEIR states that the 2004 RTP contains "transportation projects and strategies to help more efficiently distribute population, housing, and employment growth" (p. 3.1-15). However, the RTP does not identify projects or analyze the potential impacts of projects designed to distribute population, housing and employment which are inconsistent local General Plans. Presumably, this policy indicates that in the future, SCAG will require local agencies to revise their General Plans to bring the Plans into conformance with the RTP. This policy implies that will SCAG will have the ability to over-turn local land use authority, which a charge clearly out of line with SCAG's charter. (2)
- 3) Mitigation Measure 3.1-3d of the RTP EIR states that "SCAG will work to build consensus on how to address the inconsistencies between general plans and RTP policies". The mitigation measure does not specify how this will be accomplished. This measure implies that SCAG will use the Compass Growth Vision process as the means to address the inconsistencies. The Compass Growth Vision materials available for review indicate that mixed use projects, which include higher density residential and retail/commercial/office development, are proposed near the Laguna Niguel/Mission Viejo Metrolink Station. This potential land use scenario conflicts with the Laguna Niguel General Plan and the Laguna Niguel Gateway Specific Plan, which designate the area for economic development and call for land use designations that create and (2)

Ms. Nancy Pfeffer
February 9, 2004

Page 2

retain jobs.

- 4) The City is concerned that the RTP process and the Compass Growth Vision will be used to assign the City a housing unit production goal, including units for very-low and low income households, during the up-coming Regional Housing Need Assessment (RHNA). The City's Updated Housing Element must contain the RHNA goals and must identify suitable sites for constructing the required number of housing units. The City is concerned that the potential number of housing units assigned to the City through the RHNA process, will exceed the City's ability to identify suitable sites and, more importantly, that the California Department of Housing and Community Development (HCD) will not certify the City's Updated Housing Element as compliant with State Housing Element Law. If HCD does not certify the City's Housing Element, the City could lose state funds as a result of punitive legislation like SB 910 (Dunn) or, at minimum, face legal challenges to the City's General Plan.

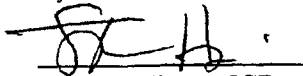
The City requests copies of all future documentation related to the 2004 RTP, including notices for public meetings and hearings, any future drafts of the RTP and any environmental documentation. When available, please send the materials to the following address:

City of Laguna Niguel
Community Development Department
27781 La Paz Road
Laguna Niguel, CA 92677
Attention: Stephen Higa, AICP, Senior Planner

If you should have any questions, I can be reached at (949) 362-4321.

Sincerely,
COMMUNITY DEVELOPMENT DEPARTMENT
Robert P. Lenard, Director

By:


Stephen Higa, AICP
Senior Planner

cc: Robert P. Lenard, Director
Dan Fox, Planning Manager

G:\higa\Projects\OCPS-CAG2002\Carreras2004RTPCom.wpd



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Rec'd 2/9/04

E-04-0031

COACHELLA VALLEY WATER DISTRICT

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PATRICIA A. LARSON

February 4, 2004

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GENERAL MANAGER-CHIEF ENGINEER
MARK BEUHLER,
ASST. GENERAL MANAGER
JULIA FERNANDEZ, SECRETARY
DAN PARKS, ASST. TO GENERAL MANAGER
REDWINE AND SHERRILL, ATTORNEYS

File: 0022.32

Nancy Pfeffer
Southern California Association
of Governments
818 West 7th Street, 12th Floor
Los Angeles, California 90017-3435

Dear Ms. Pfeffer:

District staff has reviewed the draft 2004 Regional Transportation Plan Program
Environmental Impact Report dated December 2003 and has no comments at this time. | ①

If you have any questions, please call Jennie Snyder, Environmental Specialist,
extension 2239.

Yours very truly,

Dan Farris
Director of Engineering

JS:lmf/engr/environ/feb/pfeffer

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E-04-0032

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Comments | comment #559

[Add a New comment](#)[Help ▾](#)**Comment** 02-09-2004**Date****Commentor** [Chang, Robert](#)**Name****Source** Web Form**Topic** [2004 Environmental Impact Report](#)**Comment** Dear Ms. Pfeffer,

Thank you for soliciting comments for the 2004 SCAG RTP Environmental Impact Report. There are several areas of interest that I am concerned about.

- Maglev: It is my understanding that an EIR has not been conducted regarding the proposed alignment for the Maglev. The Maglev will not be built without completion of an EIR, and it should not be included in the RTP until that is completed. SCAG has not indicated how much of the improvements in the 2004 RTP for the 2030 horizon year are due to the Maglev. The Maglev will encounter serious

opposition along its route, and will affect the environment in many negative ways. Maglev, even if it is built on existing right of ways, will have a significant effect on those who use these right of ways. This could include freight traffic if built on railroad right of way, or commute traffic if built on freeways.

Construction could last for many years, causing detrimental impacts to traffic flow and freight transportation. Maglev has the potential to be a large trip generator, increasing traffic density near stations. If maglev speed is reduced (MM 3.5-2.h), it has an impact on the number of riders who will use the Maglev as compared to their automobile or other forms of mass transit. (The noise section also assumes that Maglev will be constructed along a freeway alignment.)

SCAG does not mitigate Maglev's impact on the viewshed, nor more important the impact on the viewshed of the parking structures that will be needed to serve Maglev. Those impacts have not been considered in this report. It is highly unlikely that the 275 miles of Maglev will be completed by 2030 without significant public investment which is not politically feasible in this current budget environment. It should be added as an "area of known controversy", and the study on Maglev should be updated in the near future to include changes to the plan.

In addition, the amount of reduction to NOx, CO2, and other

①

②

③

④

⑤

⑥

pollutants, and the amount of reduction in travel time due to Maglev should be stated. Maglev appears to be the "black box", similar to the aQMD Air Quality Plan, where an unknown amount of conforming reductions is placed. (6)

- PEIR use: PEIRs do not replace regular environmental impact reports as required under federal and state law for any major project proposed in the RTP. (7)

- Aviation: FAA regulations are not addressed, nor are constraining plans such as the LAX Master Plan or other airport master plans. They are constraints that should be addressed in the appropriate sections. (8)

- Land use/transportation connection: I support SCAG's understanding, finally, that land use and transportation are connected. But SCAG has no implementation power for land use. So unless SCAG can come up with a concrete plan to sell the changes to cities, it is a waste of time. I understand that SCAG has appropriately selected the time frame to account for no changes in existing land use for several years, however, no plan is disclosed in either the RTP or the PEIR as to how to sell the plan. (9)

SCAG does do an admirable job of noting the impacts increased development will cause. It should be stated that the RTP PEIR does enable growth, but improves transportation in the region for everyone, and that fact is not omitted. (10)

Sincerely,

Robert Chang

**Comment
Document**

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**Response
Date**

Response

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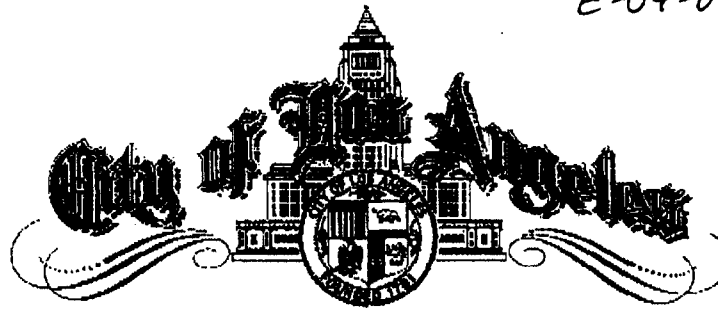
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E-04-0033

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(213) 485-8907 FAX



DISTRICT OFFICE
163 S. AVE. 24
ROOM 202
LOS ANGELES, CA 90031
(213) 485-0763 PHONE
(213) 485-8908 FAX

ED P. REYES
Councilmember, First District

February 9, 2004

Nancy Pfeffer
Southern California Association
Of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, Ca 90017-3435

Dear Ms. Pfeffer,

Thank you for the opportunity to review and submit comments on the 2004 Regional Transportation Plan. As chairman of both the Planning and Land Use Management Committee and the Ad Hoc Committee on the Los Angeles River I am very supportive of enhancing regional mobility and accessibility for everyone in the region. Through my City of Los Angeles Council Committee assignments, I have not only voiced strong support for re-examining the City's land use practices, but I have proffered balanced and equitable recommendations for reconfiguring land use codes, housing policies, transportation programs, and the care of the Los Angeles river as an important corridor for commuters and pedestrians.

First, as chair of the City Council's Ad Hoc River Committee, I have pushed for the City's strong participation in the Los Angeles River revitalization and in integrating this work with an effective planning effort for reclaiming Los Angeles communities from Canoga Park to Cypress Park, from Lincoln Heights to Boyle Heights.

The City's Proposed Los Angeles River Revitalization Plan will extend river efforts along the entire length of the River in the City, linking the river with adjacent neighborhoods. The river offers nodes where we can appropriately address water quality mandates, encourage smart neighborhood development, create affordable housing opportunities, establish open space, revive historic wildlife corridors, and naturalize riverbanks. Comprehensive planning will require us to look at river as a natural, economic, environmental, and historical resource.

Second, as chairman of the Goldline Authority, I found that smart transportation planning and design can re-invigorate communities, encouraging new investment and pride. Innovative transportation planning goes hand in hand with effective community revitalization. This was made clear: all transportation planning begins at the local level. With this maxim in mind, here are my comments on the 2004 plan.

Land Use

Open Space shall be preserved as the first priority. The Plan should focus on urban transportation opportunities and not on removing open space.

Every great city, region, and urban development history has demonstrated that you do not push people from the city's core. Moving people to vacant areas of the region has proven ineffective, costly, and destructive of communities.

Transit Oriented Development should be clearly defined and prioritized as part of the land use options for urban areas.

Population, Housing, and Employment

Implementation of the regional plan should include consideration of inclusionary zoning as a way to create diverse housing. People are attracted to diverse communities that are affordable to live in, work in, and visit.

Transportation should be based on developing strong neighborhoods-identifiable communities that attract investment and people- thus creating circulation and livability. Livability should be included as a performance indicator that measures our success.

All transportation facilities should include concurrent development of community amenities, alternative pedestrian routes, and bikeways to service the transportation facilities target area. In addition, transit centers/nodes should be seen as multi-function- serving as public spaces, plazas, and centers to encourage connectivity, sociability, and linkages to people, corridors, and transit systems.

Transportation

Mitigation measures should also include traffic calming measures that facilitate street designs to encourage pedestrian activity, increase safety for pedestrians, create community identity, and designate appropriate "pass through" corridors that do not disrupt neighborhoods.

①

Transportation planning should include easements adjacent to waterways as transportation nodes and areas for pedestrian and bike commuting opportunities.

Finally, the vision for pursued by regional transportation plan should be about a better future for our children. This calls for a creating a vision and implementing a set of strategies that enhance what is unique about our region while letting us get to where we need to go without sacrificing our environment, our neighborhoods, and our options.

If you have any questions, please feel free to call me at 213-485-3451.

Sincerely,

A handwritten signature in black ink, reading "Ed P. Reyes". The signature is fluid and cursive, with the first letters of each word being capitalized and prominent.

Ed P. Reyes
Councilmember, CD1

**DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT
Division of Housing Policy Development**

1800 Third Street, Suite 430
P. O. Box 952053
Sacramento, CA 94252-2053
(916) 323-3177
FAX (916) 327-2643

*Rec'd 2/9/04
E-04-0035*



February 9, 2004

Nancy Pfeffer
Southern California Association
of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

**Re: Comments on Draft Program Environmental Impact Report for the 2004
Regional Transportation Plan**

Dear Ms. Pfeffer:

We note the assumption of the RTP that local land use policies would change only after 2010. The EIR should analyze the effect of this assumption, including the effects on population and housing, and incorporate appropriate measures in the RTP. This assumption would be of particular concern in the following circumstances:

- ◆ in areas where local general plans have not been updated within the last ten years. This is an issue our department has previously raised with SCAG staff in conjunction with the public input process of the Forecasting Technical Task Force.
- ◆ where there is a greater amount of housing needed than has been planned for in existing plans or in the local input to the RTP, including determinations of the upcoming regional housing need allocation process for the region, which will cover a portion of the period prior to 2010.

We would be pleased to discuss our concerns further if you like. Thank you for your consideration.

Sincerely,

Linda M. Wheaton
Assistant Deputy Director

CC: Lynn Harris, Community Development Manager

E-04-0036



DEVELOPMENT AUTHORITY

The Orange Line Development Authority is a joint exercise of powers agency formed to pursue deployment of the Orangeline maglev system in Southern California. The Authority is composed of the following public agencies:

(List of member agencies follows)

City of Artesia
City of Bell
City of Bellflower
City of Cerritos
City of Cudahy
City of Downey
City of Huntington Park
City of Los Alamitos
City of Maywood
City of Paramount
City of South Gate
City of Vernon

(List of member agencies continues)

Chairman

Hector De La Torre
Mayor, City of South Gate

Secretary

Art Gallucci
City Manager, City of Cerritos

Executive Director

Albert Perdon, PE

(List of member agencies continues)

Supporting Agencies

Gateway Cities Council
of Governments
Southern California
Association of Governments
City of Garden Grove
City of Huntington Beach
City of Long Beach
City of Stanton

January 16, 2004

Mayor Bev Perry, President
Southern California Association of Governments
818 W. Seventh Street, 12th Floor
Los Angeles, CA 90017

Dear Mayor Perry:

The Orange Line Development Authority has reviewed the Draft 2004 Regional Transportation Plan (RTP). The Authority requests that SCAG address the following concerns regarding the regional maglev system prior to finalizing the RTP.

1. The complete Orangeline segment from downtown Los Angeles to Irvine as contained in the adopted 2001 Regional Transportation Plan, following the former Pacific Electric railroad corridor, should be included in the 2004 Regional Transportation Plan. ①
2. The 2004 Regional Transportation Plan should support the continued planning of multiple maglev segments, with deployment based on results of project engineering and environmental studies, financial feasibility and local support. ②
3. The 2004 Regional Transportation Plan should recognize the Orange Line Development Authority and the community support that has coalesced in support of the Orangeline. ③

The Authority is supporting SCAG's vision of a regional maglev system connecting major population, employment and multimodal transportation centers. We appreciate your support of our efforts to implement that vision.

Sincerely,

Hector De La Torre

c: Ron Bates, Chair, SCAG Maglev Task Force
Mark Pisano, SCAG Executive Director

<http://orangeline.calmaglev.org>
7300 Alondra Boulevard, Suite 201
Paramount, California, 90723 USA
albertperdon@orangeline.calmaglev.org
310.871.1113 Phone
562.924.0152 FAX

From: Bernice Villanueva
To: Nancy Pfeffer
Date: 2/10/2004 11:10:36 AM
Subject: Fwd: FW: Comments on Draft 2004 RTP

Nancy,
I just received a phone call from Al Perdon. He wanted to make sure that this comment is recorded as part of the RTP EIR.

Bernice

>>> "Albert H. Perdon" <albertperdon@albertperdon.com> 2/9/2004 3:01:39 PM >>>
The Orange Line Development Authority provides the following comments to the Draft 2004 Regional Transportation Plan (RTP) Draft Environmental Impact Report (DEIR), as contained in our recent letter to Mark Pisano, a copy of which is attached. Our comments on the DEIR are the same as for the Draft RTP. We request that our comments be reflected in the Final EIR and that SCAG include a response to our comments in the Final EIR. Thank you for your support.

The Orange Line Development Authority has reviewed the Draft 2004 Regional Transportation Plan (RTP). The Authority requests that SCAG address the following concerns regarding the regional maglev system prior to finalizing the RTP.

1. The complete Orangeline segment from downtown Los Angeles to Irvine as contained in the adopted 2001 Regional Transportation Plan, following the former Pacific Electric railroad corridor, should be included in the 2004 Regional Transportation Plan.
2. The 2004 Regional Transportation Plan should support the continued planning of multiple maglev segments, with deployment based on results of project engineering and environmental studies, financial feasibility and local support.
3. The 2004 Regional Transportation Plan should recognize the Orange Line Development Authority and the community support that has coalesced in support of the Orangeline.

The Authority is supporting SCAG's vision of a regional maglev system connecting major population, employment and multimodal transportation centers. We appreciate your support of our efforts to implement that vision.

Albert Perdon
Executive Director
310.871.1113

-----Original Message-----

From: Albert H. Perdon [<mailto:albertperdon@albertperdon.com>]
Sent: Friday, January 16, 2004 4:36 PM
To: Pisano, Mark
Cc: Bates, Ron; Faranesh, Zahi; Ikhrata, Hasan; Gosnell, Jim; De La Torre, Hector
Subject: Comments on Draft 2004 RTP

Dear Mark:

Attached is the input from the Orange Line Development Authority regarding the 2004 Draft RTP. A hard copy of the letter will follow.

AI


CITY OF LOS ANGELES
INTER-DEPARTMENTAL CORRESPONDENCE

Rec'd 2/16/04
F-04-0038

Date: February 6, 2004

To: Allyn Rifkin, Principal Traffic Engineer
Department of Transportation

Attn: Miles Mitchell

From: Gretchen Hardison,  Air Quality Director
Environmental Affairs Department

Subject: EAD Comments on the Draft 2004 RTP Update, RTP Technical Appendices and EIR

Per your request, the Environmental Affairs Department has reviewed portions of the Draft 2004 RTP Update, RTP technical appendices D-6 (Aviation), E (Transportation Conformity) and G (Environmental Justice), and the following sections of the 2004 RTP EIR: 3.1 Land Use; 3.3 Transportation; 3.4 Air Quality; 3.7 Biological Resources; 3.10 Hazardous Materials; 3.11 Energy; and 3.12 Water Resources. The EAD review contains both general and specific comments as well as requests for clarifications. The prepared comments are attached to this memo.

If you have any questions, please contact José Gutiérrez of my staff at (213) 978-0851.

2004 RTP and Technical Appendices

General Comments

Draft Conformity Analysis

- The conformity tests required by the federal Conformity Rule should be run for additional scenarios, including the 2004 RTP Update delaying or excluding large projects for which future funding is uncertain, and any other alternatives studied in the 2004 RTP. Because funding is not assured for the Maglev system in the 2004 RTP Update, the conformity tests should be run without the Maglev system or with a delayed implementation date (after 2030) to ensure conformity can be met. Similarly, other large projects important to the conformity determination that are not planned to be funded through the Los Angeles County MTA's Long Range Plan or other County Transportation Commission plans (i.e., truck lanes) may also need to be delayed or excluded from the analysis.

Aviation, Appendix D-6

- Both the Preferred and Constrained Aviation Plans should consider the new A380 Airbus and Boeing 7E7s jets to be introduced by 2006 into the RADAM model forecasts. It appears that the larger passenger capacity of these planes was not used in the RADAM. With the capacity to seat well above 600 passengers and the calculation used in the 2004 RTP reaching a maximum of 580 seats, less plane flights could occur. (p. D-6-40) This change could have an effect on the "airport employment generation and distribution" and "air cargo model" features of RADAM.
- The Preferred Aviation Plan assumes greater use of outlying/suburban airports based on implementation of the proposed Maglev. As funding is still unsure for this project, the plan should place less emphasis on the Maglev for moving or redirecting air passengers and cargo. (p. D-6-4)
- Justify the revised assumptions used in the Preferred Aviation Plan (i.e., increased passenger trip propensities for the Palmdale area, brokering between airports, increased Maglev ridership, etc.). Provide information sources and back-up documentation for these assumptions. (p. D-6-4)
- Consider adding local government costs in your analysis such as: financial incentives to airlines, shuttle service to activity centers, etc. Need to include more detail on the amounts involved and the timing to analyze the impacts on local governments. Are these costs accounted for in the "public cost" of the Plan?

Transportation Conformity, Appendix E

- Clarify whether the data used in preparing the 2004 RTP estimates for population, employment, travel, and congestion are from the most recent SCAG approved growth

forecast process and whether these same projections were used in the 2003 SCAQMP. Indicate the margin of error for each estimate, if applicable. (p. E-40)

Environmental Justice, Appendix G

- The EJ analysis looks at the changes that would result from implementation of the 2004 RTP as well as some existing inequities resulting from the current transportation system. Please include more information on the existing inequities to give a more accurate picture of the total impacts faced by adjacent communities.
- The analysis only addresses two environmental impacts with respect to environmental justice: noise and air quality. The analysis should be expanded to include other likely impacts, such as community/neighborhood disruption along transportation corridors, and others, as appropriate.
- The 2004 RTP Update indicates that all groups have access to and will benefit from the improvements in the modes of travel. However, the analysis should consider interruptions in service, which are more likely to be experienced in lower cost transit modes, which increase travel time. This is evident with the Los Angeles County MTA transit strikes of 2000 and 2003. In addition, supporting efforts to increase accessibility for minorities and low-income groups to modes of travel less susceptible to such interruptions would strengthen the RTP. (p. G-20)
- The EJ analysis should be enhanced using information from SCAQMD or CARB on ambient concentrations of air pollutants. Also indicate the source of the modeled emissions.
- The analysis is better served to include maps showing the transportation analysis zones (TAZ) or refer to another section of the RTP with these maps. This allows for a better understanding of the data presented in the EJ analysis.
- The analysis states “even in 2030, disparities will persist in the ethnic makeup of the income categories.” The population could be better served to improve the less expensive transportation modes by expanding the range and number of vehicles or make more mass transit modes affordable to the first three income quintiles. Commuter rail has traditionally been the more expensive mode of transit. (p. G-15)
- Provide scientific references such as the margin of error for the figures stated in Section IV. Environmental Impact Analyses. (G-21).
- The definition of “air toxics” is inaccurate and misleading. Clarify the definition. See the definitions used by the South Coast Air Quality Management District, California Air Resources Board, or the California Environmental Protection Agency for examples. (G-24)
- Figures G.13b, G.14b and G.19b include “white” in the ethnic/racial groups displayed but not in Figures G.17b and G.18b. This ethnic/racial group should be included in these two figures to be consistent with other portions of the analysis. (G-24 & 25)
- The numbers for Quintile 1 in Table G.3 appear to be substantially lower than those for the other income quintiles. Please explain. (G-5)
- Consider including an additional graph which shows the retail jobs and service jobs accessible within 45 minutes or more from the home and the associated income quintiles. This would further help to explain the difference in travel time and income status (G-17)

- As the Highway Noise analysis was not included in Appendix G, please notify the public when it is available and provide adequate public review time. The analysis is especially important because of the truck lanes proposed in the RTP. (G-27)

Detailed/Technical Comments

2004 RTP

The Regional Baseline or No-Project Growth Projection for 2030

The description of “flipping hamburgers” seems to be inappropriate and SCAG should consider terms such as “fast food services” instead. (p. 35)

2004 RTP EIR

General Comments

As the funding for the Maglev is increasing unsure, SCAG should analyze an alternative without the Maglev in addition to the Plan and No Plan scenarios. ①

Furthermore, with the recent loss of transportation funds and possibly further cuts occurring in the near future, SCAG should discuss the effects the cuts will have on the RTP, Transportation Conformity and the Impact Analysis. SCAG has estimated that \$4.3 billion would be reduced to the Draft 2004 RTP financial plan between now and 2010. The Governor has called for the repeal of the statutory designation of the Transportation Congestion Relief Program (TRCP) projects. Accordingly, it has been proposed to suspend the transfer of \$1.1 billion of Proposition 42 funds that would have transferred gasoline sales tax revenues from the General Fund to TRCP. In addition, the Federal Government has begun to cut TEA-21 funds. These reductions in funds should be reflected in the final conformity analysis as well as the final EIR. ②

DRAFT COMMENTS

3.1 LAND USE

This section should include discussion on the potential land development around the new and expanding transit systems and Maglev. The 2004 RTP discuss the development of the industrial and commercial uses along the Alameda Corridor from the Port of Los Angeles and addresses increased densities around transit nodes. Given this historic background, SCAG should analyze the possible land use development around the Maglev stations and other transit improvements discussed in the 2004 RTP. ③

Impact 3.1-1 Mitigation (p. 3.1-12)

SCAG needs to examine adding additional mitigation measures to prevent the loss of farmland and grazing land beyond those listed. ④

Impact 3.1-2 (p. 3.1-14)

SCAG should examine creating additional mitigation measures to prevent the loss of open space and recreation lands such as State protection of these lands, minimal incursions into these lands by transit projects, or rerouting of the project. ⑤

Impact 3.1-3 (p. 3.1-14)

(MM 3.1-3b) SCAG should act as a clearinghouse for local governments to provide both financial and educational resources as well as services to assist in promoting the land use practices included in the RTP. SCAG should also provide professional land use staff assistance to work with local governments in this capacity as a clearinghouse to assist them in methods keeping staff updated planning practices. ⑥

Indirect Impacts (p. 3.1-19)

↓ ⑦

It is stated in the 2004 RTP EIR that "it is expected that the No Project Alternative and the Plan Alternative would consume similar acreage of vacant land." Yet, in Table 3.1-2 on page 3.1-17, the acres affected for Low Density Residential and Medium to High Density Residential and Rural Density Residential with the Plan is approximately 3 times more than the No Project Alternative. Explain the impacts on residential land from transportation projects. Furthermore, commercial, industrial, prime farmland and grazing land are affected as well by the Plan at approximately the same ratio as residential acres. ⑨

It is also stated that the Plan Alternative would include additional transportation improvements that facilitate access to agricultural lands, vacant land, open space and recreation lands, it appears which could encourage sprawl. SCAG should encourage development within already developed areas and clarify these potentially negative impacts of the Plan Alternative.

The EIR states, "The Plan Alternative's cumulative impacts to land use would be approximately the same as those of the No Project Alternative." Clarify the impacts to land acres under the Plan Alternative compared to the No Project Alternative as well as the facilitation of access that possibly encourages sprawl. (See Table 3.1-2)

3.3 TRANSPORTATION

Impact 3.3-4 (p. 3.3-24) & (p. 3.3-25)

There is an inconsistency in the SCAG 2004 RTP EIR as it states there will be an increase in the percent of work opportunities within 45 minutes travel time by personal vehicle or by transit in 2030 and an expansion of existing roadways. Furthermore, the EIR provides mitigation measure 3.3-1a would influence driving conditions especially single vehicle occupancy. Yet, a prior SCAG statement said delays would increase (Significance After Mitigation, p. 3.3-24&25). The statements appear to be contradictory as more jobs will be located closer to the place of residency but VMT and delay will increase. Clarify the inconsistencies between work opportunities, EIR mitigation measures for transportation, the Plan transportation projects and the increase in delays. ⑩

3.4 AIR QUALITY

(p. 3.4-26)

SCAG states that under the 2004 RTP, all nonattainment areas would experience elevated emissions of PM10. Describe here the major sources of the PM10 increase or identify where in the EIR text this is addressed. Measures should be included to prevent this increase, as attainment in the South Coast Air Basin must be met by 2006. ⑪

Include background information on PM2.5 in the EIR, as these standards will need to be met within the time period covered by the RTP. ⑫

(p. 3.4-28) ⑬

SCAG states, "mobile sources are responsible for approximately half of the total lifetime cancer risk attributed to air toxics." Please reference this statement and clarify if SCAG is attempting to address them.

11

(p. 3.4-31)

The EIR indicates an increase in single-passenger highway travel in spite of the projects identified in the 2004 RTP. The EIR should discuss single-passenger highway travel increases and provide measures to decrease them. This is especially important to address given that the PM10 as stated in the EIR, is directly related to growth and VMT.

12

Impact 3.4-2 (p. 3.4-33)

It is stated that risk levels without the 2004 RTP are only slightly higher than with the 2004 RTP. The Plan should consider stronger mitigation measures to ensure that the Plan will provide substantially lower risk levels.

13

MM 3.4-3c (p. 3.4-35)

There currently exists state, regional and local laws governing the hauling of dirt, sand, soil, and other loose materials off-site that are to be covered. SCAG should investigate these laws, ordinances and legislation and site them in the EIR.

14

Significance After Mitigation (p. 3.4-36)

It is stated that the 2004 RTP would have a significant and unavoidable impact on regional air quality due to activities related to construction mentioned in the RTP by exceeding emission thresholds for NOx, CO, PM10, SO2, and ROG. This contradicts page 3.4-26 which stated "Under the Plan, emissions of ROG, NOx, CO and SOx for all nonattainment areas would decrease, when compared to current conditions." Please clarify.

15

Impact 3.4-6 (3.4-43)

The Preferred Aviation Plan will increase emissions of VOC, NOx, CO, SOx, and PM10 due to aircraft and ground support equipment (GSE). However, the document shows the 2030 Constrained Plan would result in lower emissions. Consider modifying the RTP to ensure that emissions are not increased to better conform to emission standards by their respective dates.

16

3.7 BIOLOGICAL RESOURCES

Table 3.7-2: Characteristic of Major Coastal Rivers. (3.7-10)

This table lists the "Natural Waterway Miles" for the Los Angeles River as 801. The River is generally accepted to be 51 miles long (e.g., see <http://ladpw.org/wmd/watershed/LA/LARMP/>). It is not clear what the 801 miles is referencing. The 51 dams listed for the Los Angeles River should be discussed also. Clarify if the information in this table is for the rivers proper, as suggested by the title, or for the river's entire watershed. Unfortunately, we were unable to locate the information at the listed web site.

17

The fish references at the top of page 3.7-14 should be reviewed. The family Embiotocidae should be referred to as surfperches, not just perches. Members of the genus *Sebastes* are not sea basses. They are rockfishes (Scorpaenidae), which is listed later in the paragraph. There are more than 60 species of *Sebastes* in California waters, but only about ten species of sea basses. (19)

3.10 HAZARDOUS MATERIALS

SCAG should educate businesses about less toxic alternatives to reduce the need for transportation of hazardous/toxic materials, and other pollution prevention strategies. (20)

3.12 WATER RESOURCES

Impact Section 3.12-1 (page 3.12-27)

The conclusion should read "The mitigation measures would not fully mitigate water quality degradation...The impact remains **significant**." As stated on page 22, "Project-specific studies would be necessary to determine the actual potential for significant impacts on water resources resulting from implementation of the Plan." Pages 23-24 contains the statement, "The inclusion of runoff control measures in the design of future roadway projects will improve water quality and eliminate further impairments of the local receiving waters." This statement does not support the conclusion of significant water quality degradation. Clarify if this refers to a portion of the projects, such as those that are new, and if the rest would have a negative impact. (20)

This section of the report should be expanded to clarify how these projects will impact TMDLs and the activities of other stakeholders. The conclusion that the projects will have significant impacts on water quality suggests receiving waters will become or remain impaired, in violation of water quality standards, or that other dischargers will have their waste load allocation reduced. The latter may come with substantial costs to those dischargers, often cities and counties that already have budgetary challenges. This issue of TMDLs and associated cost responsibilities should be addressed.

Cumulative Impact 3.12-4 (pgs. 3.12-31 through 3.12-32)

The text states that the 2004 RTP's influence on growth would contribute to the conversion of undeveloped land to urban uses, resulting in impacts to water quality." Once again, the impact is concluded to be significant. Mitigation measure 3.12-4a is a good start, but SCAG should also address the impact on the listings of the 303(d) Clean Water Act. Clarify if the additional urbanization would likely result in more water body segments being listed. Also explain if wasteload allocations for existing stakeholders would likely be reduced to accommodate the increased urbanization. If so, explain who will pay for the additional treatment costs. (21)

The statements appear to be contradictory as more jobs will be located closer to the place of residency but VMT and delay will increase. Please clarify.

R:AQD\SCAG\2004 RTP\RTP-EIR.doc

duplicate text
from Page 5,
Comment (8)
Refer to response to
Comment (5)

City of Anaheim
PLANNING DEPARTMENT

Rec'd 2/9/04
E-04-0039

February 9, 2004

Ms. Bernice Villanueva
Southern California Association of Governments **BY FAX AND U.S. MAIL**
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

**RE: DRAFT 2004 REGIONAL TRANSPORTATION PLAN, DRAFT
PROGRAM ENVIRONMENTAL IMPACT REPORT AND
DRAFT COMPASS LAND USE SCENARIO**

Dear Ms. Villanueva,

Thank you for the opportunity to review and comment on the above-referenced items. City of Anaheim staff offer the following comments for each item as indicated.

Regional Transportation Plan Comments:

1. **Advanced Planning Division** – The Planning Department, Advanced Planning Division, offers the following comments:
 - a. Discussion on Page 67 indicates that “one or more performance indicator for each goal was developed, tested, and evaluated”, and a summary of the performance measures and outcomes is provided in Table 3.1 (Page 68). Although discussion about the mobility benefits of land use strategies is provided on Page 132, there is no discussion in Table 3.1 related to Adopted Goal No. 6 (Page 65), “Encourage land use and growth patterns that complement our transportation investments.” It is requested that a discussion of the measurement and desired outcome of Goal No. 6 be provided in Table 3.1.
 - b. Adopted 2004 RTP Policy No. 3 (Page 66) indicates, “RTP land use and growth strategies that differ from currently expected trends will require a collaborative implementation program that identifies required actions and policies by all affected agencies and sub-regions.” Although it is not clear what “growth strategies that differ from currently expected trends” are, staff would like the opportunity to be involved in all discussions related to growth strategies. In addition, a collaborative implementation program should result in a suggested (not required) set of actions and policies that may be considered by agencies and sub-regions in land use and planning efforts. Therefore, it is requested that the policy be revised to indicate, “RTP land use and growth strategies will require a

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collaborative implementation program that identifies suggested actions and policies for all affected agencies and sub-regions."

- # | c. The fourth Growth Vision tenet (Page 151) suggests, "Providing housing opportunities to match changing demographics." While efforts can be made to provide housing consistent with demographic change as addressed through the State-mandated Housing Element process, a match may be infeasible given land availability constraints and economic conditions. Therefore, it is requested that the tenet be revised to indicate, "Providing housing opportunities to address changing demographics."
- # | d. Key Growth Vision Alternative Action No. 3 for Local Government (Page 151) indicates, "Incorporate in the development of General Plans and in exercising zoning authority redevelopment of under-utilized low intensity corridors as higher density mixed-use arterials." It is unclear what is meant by "mixed-use arterial" in this action. Development type should not be limited to individual mixed-use projects given that a mix of uses can be achieved horizontally within a short distance of a given project. Therefore, it is recommended that the action be revised to indicate, "Consider incorporating into the development of General Plans and in exercising zoning authority redevelopment of under-utilized low intensity corridors for higher density development providing a mix of uses along arterials."

Should you have any questions regarding these planning-related comments, please contact Niki Cutler, Associate Planner, at (714) 765-5139, Extension 5440.

- 2. **Operation Division** – The Public Works Department, Operations Division, offers the following comment:
 - a. Staff appreciates the inclusion of Goal No. 5, "Protect the environment, improve air quality and promote energy efficiency." Given that transportation related pollution affects our surface waters, staff suggests that this goal be broadened to include water quality. Transportation related pollution from personal cars including metals, oil, grease and petroleum hydrocarbons (from gas, diesel and tire rubber) is the primary source of pollution affecting our surface waters. Efforts to minimize current and future total trips and/or congestion in Orange County and surrounding areas would have an overall positive effect on surface water quality. These effects should be identified and measured. Therefore, it is requested that Goal No. 5 (Page 65) be revised to indicate, "Protect the environment, improve air and water quality, and promote energy efficiency." Appropriate Performance Indicators, Measures and Outcomes (as provided in Table 3.1, Page 68, and discussed in Chapter 5) would need to be developed.

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Should you have any questions regarding this operations-related comment, please contact Keith Linker, Principal Civil Engineer, at (714) 765-6821.

3. **Traffic Engineering Division** – The Public Works Department, Traffic Engineering Division, offers the following comments:

- a. Hybrid Growth Scenario Element No. 3 indicates, "Provide housing opportunities near major job centers." It is requested that this element recognize that existing employment centers are intended to remain and will continue to accommodate job growth demand.
- b. Discussion on Page 6 indicates that the Strategic Arterial Improvement Systems concept could involve various Intelligent Transportation System (ITS) deployment at critically high-volume intersections. Arterial ITS deployment should not be pursued without accompanying financial commitments to adequately manage and operate related infrastructure.
- c. Staff would like to express support for Bus Rapid Transit (discussed on Page 7) and an east-west truck corridor (discussed on Page 8) along the SR-60 funded through the collection of user fees. In addition, staff suggests that the RTP evaluate the funding of freight movement enhancement projects through the collection of port user fees as well.
- d. In conjunction with a decentralized aviation strategy, ground access improvements to freeways and arterials are discussed on Page 9. It is requested that discussion address including improvements to promote for a high-speed ground transportation connection between Ontario International Airport and Angel Stadium of Anaheim. This connection to Orange County businesses is important to economic viability both in terms of airfreight and the 28 million annual passengers forecast to be served by the airport.
- e. Discussion on Page 50 indicates that the international trade is expected to triple through the Ports of Los Angeles and Long Beach by the year 2020. Accordingly, the Ports plan to invest \$6 billion in local infrastructure improvements over the next 25 years. The discussion, however, does not address how increased Port capacity and associated local enhancements will impact goods movement throughout the region. For example, the geographically constrained Santa Ana River Canyon through the City of Anaheim currently includes two BNSF mainline rail tracks and the SR-91 freeway corridor. The forecast rail and truck freight traffic from tripling Port traffic would further congest this area. Thus, it is requested that an evaluation of the needed improvements to the regional transportation system (i.e., freeway and rail capacity

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improvements) to support the increased capacity be provided, and that funding for the improvements be identified.

- f. Adopted Goal No. 1 (Page 65) indicates, "Maximize mobility and accessibility for all people and goods in the region." Consistent with the goal, and to maximize productivity of our transportation system (Adopted Goal No. 4), it is recommended that the RTP address provision of more international passenger service (i.e., from Canada, Mexico, the United Kingdom and Japan) to facilitate visitors coming to this region. The noted nations are the largest contributors to the 25% of visitors to The Anaheim Resort that arrive by air travel, and transportation improvements connecting Ontario International Airport and Anaheim would facilitate their travel.
- g. The Maglev System discussion (Page 104) indicates that the Initial Operating Segment (IOS) is planned from West Los Angeles to Ontario International Airport. In consideration of recent aviation strategy changes in Orange County, it is recommended that the Regional Aviation Strategy be updated to address opportunities for the Anaheim to Ontario Maglev segment to be the IOS in conjunction with the California-Nevada Super Speed Train. This project would enhance the proposed Anaheim Regional Transportation Intermodal Center (ARTIC) as a major center to serve passenger and cargo aviation demands. As proposed, ARTIC would facilitate intermodal transportation between existing AMTRAK and Metrolink systems, a proposed high-speed ground transportation system between Anaheim/Ontario and between Orange County/San Francisco, and proposed express bus transit corridors.

In addition, the Orange Line corridor alignment alternative (discussed on Page 105) through the City of Anaheim has not been approved by the Anaheim City Council and should be removed from further consideration. Accordingly, Exhibit 4.9 should be revised to delete the Orange Line segment through the City of Anaheim. A high-speed direct connection between Los Angeles Union Station and the proposed ARTIC via the California High Speed Rail project should be evaluated as a more viable alternative.

- h. It is requested that the phasing of the "Orange County to San Bernardino Maglev" (Page 111) be moved from a long-term project to medium term project (2010 to 2015). Additionally, it is requested that the project be labeled "Anaheim to Ontario International Airport."
- i. Pending the outcome of the SR-91 Major Investment Study, an east-west corridor may need to be added to the discussion of "Post 2030 Long-Range Corridors" (Page 160).

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Should you have any questions regarding these traffic-related comments, please contact John Lower, Traffic and Transportation Manager, at (714) 765-5183.

4. Redevelopment and Property Services – The Community Development Department, Redevelopment and Property Services Division, offers the following comment:

- a. In the "Recommended Funding Strategies to Implement SCAG's RTP" section (Page 113), various funding sources are described with a discussion that protection of some revenues (i.e., Proposition 42 and local transportation sales taxes) would require State Constitution amendments. It is requested that further evaluation be provided regarding how these and, potentially, other funding sources can be strengthened and protected, and that the section include a discussion of how funding will be equitably distributed across the region. Additionally, it is requested that discussion be provided on the steps required to process a State Constitution amendment to protect these revenues. Further, it is suggested on Page 115 that SCAG will seek funding for research of an alternative use vehicle fee. It is requested that this research, if conducted, consider whether implementation of such a fee would act as a disincentive for the use of alternative vehicles.

Should you have any questions regarding this comment, please contact Mark Asturias, Redevelopment and Property Services Manager, at (714) 765-4300.

Program Environmental Impact Report (PEIR) Comments:

1. **Advanced Planning Division** – The Planning Department, Advanced Planning Division, offers the following comments:
 - a. As a general comment, specific project information including alignments and related technical materials would be necessary to fully address the impacts of individual projects discussed in the PEIR and/or RTP. Please notify staff of the opportunity to review and evaluate any and all proposed individual projects. ①
 - b. **Executive Summary:** On Page ES-2, it is requested that Goal No. 5 be revised according to Comment 2a provided on Page 2 of this letter, and that RTP Policy No. 3 be revised according to Comment 1b on Page 1 of this letter. In addition, it is requested that the fourth growth vision tenet on Page ES-5 be revised according to Comment 1c on Page 2 of this letter. ②

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- c. **Noise:** Given that the Burlington Northern-Santa Fe (BNSF) rail corridor passes through the City of Anaheim, any modifications to this railway would be of specific interest to the City. It should be noted that train noise, particularly whistle/horn blast, is a serious concern to those residents living along the BNSF railroad corridor.

As indicated on Page 99 of the RTP, one component of the Regional Rail Capacity Improvement Program addresses capacity improvements to the East-West Corridor rail lines. There is no discussion related to anticipated projects, nor is an evaluation of noise related specifically to anticipated BNSF rail improvements provided in the Noise section of the PEIR. Furthermore, Page 10 of the White Paper for Operation Jumpstart which was prepared by SCAG in June of 2003 and entitled "Operation Jumpstart, Reversing Southern California's Economic Decline" indicates:

"Complementing the projects to improve grade crossings between Los Angeles and the Inland Empire on the Union Pacific and Burlington Northern-Santa Fe main lines is a proposed expansion of railroad capacity on these lines to enhance the ability to move both passengers and freight with a minimum of delay... In fact, since little or no environmental impact assessment would be required under existing law, these rail construction projects could get underway quickly, providing the initial stimulative boost to the economy."

It is requested that anticipated BNSF railroad corridor improvement projects and their associated noise impacts be evaluated in the PEIR. In addition, the level of environmental review necessary before project implementation should be discussed and clarified.

- d. **Aesthetics and Views:** It is noted on Page 3.6-15 that a portion of SR-91 within the City of Anaheim is a State Scenic Highway, and that "there are several projects in the 2004 RTP that would be built along SR-91 that potentially would impact this Scenic Highway." The City of Anaheim General Plan contains goals and policies related to Scenic Highways, and a Scenic Corridor Overlay Zone encompasses land area adjacent to SR-91. Any project proposed in proximity to the Scenic Highway and/or within the Scenic Corridor Overlay Zone would need to be carefully reviewed in light of City goals, policies and regulations.

- e. **Geology, Soils and Seismicity:** The City of Anaheim General Plan indicates that there are four major faults affecting the City. They are the Whittier Fault, the Norwalk Fault, the El Modeno Fault, and the Peralta Uplift Fault. However, Table 3.9-1 (Page 3.9-6) indicates that only the Newport-Inglewood Fault is located in Orange County. It is requested that the additional faults be added to the table.

- f. **Alternatives:** On October 21, 2003, SCAG released "Draft 2004 RTP Alternatives' Growth Forecasts - Release for Public Review and Comment" which included population, housing and employment

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projections for individual jurisdictions. This included forecasts for the 2004 RTP Preferred Plan, Preferred Plan without Operation Jumpstart and No Project Alternatives. It did not, however, include forecasts for the Modified 2001 RTP Alternative which is presented as an alternative in the PEIR. While the PEIR indicates that the population, housing and employment projections for this alternative are the same as the Plan alternative, it is indicated that the distribution differs. Absent the Modified 2001 RTP Alternative distribution, staff does not have enough information to provide an evaluation of this alternative. The PEIR should be revised to provide more information. (6)

- g. Figure 3.1-3, City Boundaries, incorrectly identifies the boundaries of the City of Anaheim. It is requested that the map be modified to correctly identify and label the cities of Anaheim, Cypress and Stanton. (7)
- h. Figure 3.3-2, Existing (2000) Highway System, does not show SR-55 or SR-241. It is requested that the map be revised to indicate these two highways. (8)

Should you have any questions regarding these planning-related comments, please contact Niki Cutler, Associate Planner, at (714) 765-5139, Extension 5440.

2. **Electrical Engineering Division** -- The Public Utilities Department, Electrical Engineering Division, offers the following comments:

- a. With regard to Electrical infrastructure and improvements, the following mitigation measures would apply to Plan projects:
- The property owner/developer will be required to apply for electric service and provide conduits, substructures and easements (including necessary conduits, ducts, manholes, vaults and service lateral ducts) for an underground electrical distribution system and telecommunication facilities to and within the development site. The substructure systems shall be installed in accordance with the Public Utilities Department's specifications. (9)
 - Prior to issuance of the first construction permit, the property owner/developer will be required to provide easements and pay fees in accordance with Anaheim's Electric Rates, Rules & Regulations for installation of backbone cables, switches and related equipment to provide electrical distribution systems and telecommunication facilities to and within the Development site. ↓

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- If facilities (street lighting, electrical and telecommunication) need to be relocated along the project routes/boundaries, the property owner/developer will be required to provide new easements and pay for all relocations. If undergrounding of facilities is required, the property owner/developer shall pay fees and construct a new distribution system and provide easements in a location acceptable to the Anaheim Public Utilities Department that shall interface with and/or replace the existing overhead 12kV, 69kV and communication distribution systems. The relocation of existing or installation of new systems shall be timed to coincide with the level of development required for this improvement, to the satisfaction of Anaheim Public Utilities Department and other utility companies. (9)
- In addition, the project shall improve the street lighting system along the project routes/boundaries of the development. The street lighting system shall be built in accordance with City of Anaheim Public Utilities Department Construction Standards.

Should you have any questions about these Electrical Engineering-related comments, please contact Bob Templeton, Principal Electric Systems Designer, at (714) 765-4239.

3. **Operations Division** – The Public Works Department, Operations Division, offers the following comments:

- a. The second paragraph of the Groundwater section on Page 3.12-14 indicates that there is an inverse relationship between water quality and impervious surfaces. It should be acknowledged, however, that recent pollution control programs positively affect water quality. Therefore, it is requested that the following sentence be added to the end of this paragraph, "Recently, however, programs have been developed and implemented throughout the region which protect both surface and groundwater from contamination which are changing the perception of urban runoff and storm water from being a liability to an asset." (10)
- b. On Page 3.12-18 and 19, there is discussion related to the Regional and Local Agencies and Regulations for Water Resources. It is requested that this discussion include National Pollutant Discharge Elimination System (NPDES) permits (particularly Municipal NPDES Permits), Statewide General Construction Permits, and Statewide General Industrial Permits which make as great or greater impact in the region as programs mentioned. (11)

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Should you have any questions regarding these operations-related comments, please contact Keith Linker, Principal Civil Engineer, at (714) 765-6821.

Compass Land Use Scenario Map:

1. **Advanced Planning Division** – The Planning Department, Advanced Planning Division, offers the following comments:
 - a. Staff appreciates the opportunity to review the map and would like to be involved in any activities related to the growth vision.
 - b. Several inconsistencies exist between existing City plans and land uses proposed on the Compass map. For instance, development intensity and type do not correspond with plans for The Anaheim Resort or the Platinum Triangle (the area in the vicinity of Angel Stadium of Anaheim). The City of Anaheim General Plan is currently being updated, and it is anticipated that the Draft Program Environmental Impact Report ("PEIR") for the project will be available for review in the coming months. The project PEIR will include a Preferred Land Use Alternative Map indicating locations where commercial nodes, mixed-use projects, transit corridors, intensified residential areas and infill housing opportunities are anticipated. It is requested that the Compass Map be refined following the Anaheim City Council's adoption of the General Plan Update to ensure consistency between the plans.

Should you have any questions regarding this planning-related comments, please contact Niki Cutler, Associate Planner, at (714) 765-5139, Extension 5440.

2. **Traffic Engineering Division** – The Public Works Department, Traffic Engineering Division, offers the following comments:
 - a. City staff previously provided comments to the Orange County Transportation Agency (OCTA) regarding the Centerline project during the initial consideration of potential Centerline alignments. Please refer to those letters on file with OCTA and explore other alternatives to the light rail alignment shown on this map. Any proposed alignments should be reviewed and approved by the Anaheim City Council prior to including said alignments on this plan.
 - b. The map indicates a "Serrano" connection between SR-241 to the vicinity of Santiago Canyon Road in the easterly portion of the City. Staff believes that this is incorrectly labeled and should be "Jamboree Road." It should be noted, however, that a Master Plan of Arterial



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Highways Amendment is being examined by OCTA to delete this portion of Jamboree Road.

c. With regard to Bus Rapid Transit (BRT) routes, it is requested that:

- A BRT route be identified on La Palma Avenue extending to the Anaheim Canyon Metrolink Commuter Rail Station;
- A BRT route be identified on Lincoln Avenue extending to at least the SR-55 Freeway;
- A BRT route be identified on Katella Avenue extending to the proposed ARTIC facility at the current Metrolink Commuter Rail station near Angel Stadium of Anaheim; and,
- Harbor Boulevard and State College Boulevard be shown as BRT routes.

In addition, a description of "Metro Rapid Bus" route and how it differs from a Bus Rapid Transit route is requested.

Should you have any questions regarding these traffic-related comments, please contact John Lower, Traffic and Transportation Manager, at (714) 765-5183.

3. Redevelopment and Property Services – The Community Development Department, Redevelopment and Property Services Division, offers the following comments:

a. With regard to the "Subregional Input to Compass Growth Vision" Memorandum accompanying the map:

- The Mixed-Use Corridors discussion on Page 4 contains an unfinished last sentence. It is requested that the sentence and paragraph be completed to provide a full description of the development type.
- Questions included in "The Big Picture - 30 Years and Beyond" section on Page 6 broach policy issues for which staff cannot comment. Given that the map was received on January 22, 2004 with comments due by February 9, 2004, ample time was not provided to have appropriate policy-level discussions.
- Tables provided on Page 8 are not well explained. It is requested that the methodology for creation of the tables be provided.
- As provided in Appendix II, the households per acre for vacant land and Employment per acre for the Downtown Center seem disproportionately large.

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Should you have any questions regarding these comments, please contact Mark Asturias, Redevelopment and Property Services Manager, at (714) 765-4300.

We would again like to thank you for the opportunity to comment on these items. Please forward any subsequent public notices and/or environmental documents regarding projects discussed in the Regional Transportation Plan and/or Program Environmental Impact Report to my attention at the address listed at the bottom of the first page of this letter. If you have any questions regarding these comments, please do not hesitate to contact me at (714) 765-5139, Extension 5790.

Sincerely,



Linda Johnson
Acting Advanced Planning Division Manager

cc: Mark Asturias, Community Development, Redevelopment and Property Services
Keith Linker, Public Works, Operations Division
John Lower, Public Works, Traffic Engineering
Bob Templeton, Public Utilities, Electrical Engineering

\\docs\advaplan\Ncutler/rtp/rtpcom2.doc

FEB-09-04 MON 04:59 PM

FAX NO.

P. 02

E-04-0040



February 9, 2004

Bernice Villanueva
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017

Subject: Comments on Draft 2004 Regional Transportation Plan and Draft Program Environmental Impact Report

Dear Ms. Villanueva:

Thank you for the opportunity to comment on the draft 2004 Regional Transportation Plan (RTP) and draft Program Environmental Impact Report (PEIR). After reviewing the Draft RTP and PEIR, the City of Rancho Palos Verdes only change to specific text is located on Page 3.7-16 in Table 3.7-6. The planning area coverage of the Palos Verdes Peninsula Subregional Plan is 7,872 acres, not the 15,000 acres indicated. ①

In addition to this text change, the City is concerned how the population, housing, and employment projections submitted during the local review period were incorporated into the projections set forth in the draft RTP. Specifically, while the draft RTP provides population, housing, and employment projections on the Council of Government (COG) level, it does not indicate how these projections compare with the local input projections provided to SCAG on November 13, 2002.

It is the City's understanding that the population, housing, and employment projections in the RTP affect the City's housing construction need, as determined through the Regional Housing Needs Assessment (RHNA) process. Since the RHNA process is typically a controversial one, and the RTP has a direct relationship to the RHNA process, it is important for the City to have a clear understanding of the RTP. Therefore, the City of Rancho Palos Verdes requests that a discussion of the comparison between the COG and City level should be provided.

If you have any questions regarding this matter, please contact Dave Blumenthal, Associate Planner, at (310) 544-5228, or via email at daveb@rpv.com.

Sincerely,


Joel Rojas, AICP
Director of Planning, Building
and Code Enforcement

*City of Montebello*

E-04-0042

February 9, 2004

Bernice Villanueva
Southern California Association of Governments
818 West 7th Street, 12th Floor
Los Angeles, CA 90017

**RE: Destination 2030 - Draft 2004 Regional Transportation Plan (RTP) and
Program Environmental Impact Report (PEIR) REVISED**

Dear Ms. Villanueva:

The City of Montebello appreciates the opportunity to review and comment on the Draft 2004 Regional Transportation Plan and corresponding Program EIR. As a community that is adversely impacted by freight transportation, please take into consideration the following comments.

1. **Regional Rail Capacity Improvement Program.** The draft RTP asserts that, "The mainlines east of downtown Los Angeles... will need to triple tracked or even quadruple tracked in some segments." (pg. 99) The mitigation measures listed under impact 3.2-2, displacement of homes and businesses is described. Please notify the City and residents if the Program will require acquisition of rights-of-way that may displace residents and businesses. Of particular concern are two single-family neighborhoods at the east and west boundaries of the City. Also, any proposed increase in freight train traffic along the Union Pacific Railroad would require grade separations throughout the community. ①
2. **Regional Rail Grade Separations.** The increased volumes warrant the lowering of the Union Pacific Railroad at the four intersections in the central area of the City of Montebello. Because the Union Pacific Railroad bisects the City, the greater frequency and delays caused by the train traffic will further divide the north and south areas of the community. Please include intersections in the City of Montebello, specifically the intersection of the Union Pacific Rail Road crossing at Maple Avenue that is abutting a proposed school site (Montebello USD), in the 130 highway-rail grade separations. Certainly, the health and safety services will be greatly impacted. Delays of up to 40 minutes have been caused during peak traffic hours along the Union Pacific Railroad. If freight train traffic is expected to double, the delays will also become longer and more frequent. Not only is this an inconvenience, the delays jeopardize the community because police ②

1600 West Beverly Boulevard • Montebello, California 90640-3932 • (323) 887-1200

and emergency vehicles are unable to reach residents within a reasonable time. The Railroads and SCRRA should include the intersections of the Union Pacific Railroad in the financing strategy to assure the impact to the community will be mitigated. Furthermore, barriers should be minimized and pedestrian enhancements included throughout the City of Montebello per mitigation measure 3.2-3b. ②

3. **Noise.** Several single-family residential neighborhoods and other sensitive receptors are within 150' of the existing railroads. Recently, staff raised concerns regarding noise impacts included in the Notice of Completion for the Third Main Track and Seven Grade Separations Project, BNSF East/West Main Line Railroad Track Project. (SCH #2002041111) The noise data in the EIR for the third main track indicated that the background levels from the current rail operations, up to 100 freight and passenger trains, are approximately 70 decibels. On page 3.5-6, the draft RTP PIER indicates that rail lines supporting 40 freight trains generate a DNL 75 dB at 200 from the tracks. Table 3.5-1" Noise Land Use Compatibility Matrix illustrates that the Annual Community Noise Equivalent Level clearly exceeds conditionally compatible levels. The Program EIR claimed that the increase in noise was not sufficient to warrant construction of a noise attenuation wall and that alternate sources of funding to install the barrier should be identified. Staff again respectfully requests that the impact to the single-family residential neighborhoods be mitigated by constructing noise barriers per mitigation measure 3.5-2d. ③

4. **Environmental Justice.** Although the draft RTP states that outreach efforts have been undertaken to include minority and low-income communities to assure that their concerns are addressed, noise mitigation and grade separations have been requested in the past only to be determined as an extraordinary financial burden. The City of Montebello would like to be assured that these requests are addressed.

If you have any questions regarding these comments, please call me, or Antonio Gardea, Associate Planner, at 323-887-1477.

Sincerely,



Tonya J. Pace
City Planner

Rec'd 2/9/04

E-04-0043

Nancy Pfeffer - PEIR Comments

CMS 681

From: "Heather Sowers" <HeatherS@ci.fullerton.ca.us>
To: <pfeffer@scag.ca.gov>
Date: 2/9/2004 4:22 PM
Subject: PEIR Comments

The City of Fullerton has reviewed the Draft Program Environmental Impact Report (PEIR) and related documentation for the above mentioned project submitted by your agency for our review and comment. The project appears to have no significant environmental impacts to the City of Fullerton. Only the following comment is being forwarded at this time.

- ①
- Since the completion of *Table 7.6: Sites in the SCAG Region Listed on the National Register of Historic Places*, the Fullerton City Hall (now the Fullerton Police Department) has received National Register status and should be included in the table in the Technical Appendices.

Thank you for giving us the opportunity to review the documents and to comment on potential issues that may affect the City of Fullerton. If you should have questions regarding this response, please call me at (714) 738-6884.

Heather Sowers
Assistant Planner
Development Services
City of Fullerton
P- (714) 738-6884
F- (714) 738-3110

**COMMENTS RECEIVED AFTER THE CLOSE OF THE PUBLIC COMMENT
PERIOD**





Paul Helliker
Director

Department of Pesticide Regulation

Rec'd 2/11/04
E-04-0041



Arnold Schwarzenegger
Governor

February 5, 2004

Ms. Nancy Pfeffer
Southern California Association
of Governments (SCAG)
818 West Seventh Street, 12th Floor
Los Angeles, California 90017-3435

Dear Ms. Pfeffer:

Thank you for giving the Department of Pesticide Regulation (DPR) the opportunity to review the Draft Program Environmental Impact Report for the 2004 Regional Transportation Plan (SCH# 2003061075).

0

DPR has no comments at this time.

If you need DPR's assistance in any way, please feel free to contact me.

Sincerely,

Cheryl Langley
Senior Environmental Research Scientist
Environmental Monitoring Branch
(916) 324-4273

cc: Mr. Paul Helliker, DPR Director



Rec'd 2/20/04

E-04-0044

UNIVERSITY OF CALIFORNIA, LOS ANGELES

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SANTA BARBARA • SANTA CRUZ

DONALD C. SHOUP
PROFESSOR OF URBAN PLANNING
TEL: (310) 825-5705
FAX: (310) 206-5566
SHOUP@UCLA.EDU

DEPARTMENT OF URBAN PLANNING
SCHOOL OF PUBLIC POLICY AND SOCIAL RESEARCH
3250 PUBLIC POLICY BUILDING
UNIVERSITY OF CALIFORNIA
LOS ANGELES, CALIFORNIA 90095-1656

February 9, 2004

Ms. Nancy Pfeffer
Southern California Association of Governments
818 West Seventh Street, 12th Floor
Los Angeles, CA 90017-3435

Dear Ms. Pfeffer:

I am writing to comment on the Draft Environmental Report (EIR) for the 2004 Regional Transportation Plan (RTP).

Although SCAG's annual surveys show that 95 percent of commuters park free at work in Southern California, neither the RTP nor the EIR make any reference to California's Parking Cash Out law, which requires many employers who subsidize workplace parking to offer commuters the option to take cash in lieu of the parking subsidy.

In 2002, California's Legislative Analyst issued a report concerning widespread noncompliance with the cash-out requirement. The Legislative Analyst estimated that compliance with the law would reduce VMT for commuting by between 113 million and 226 million VMT per year, and would reduce about two tons of vehicle emissions per day. Nevertheless, few employers comply with the parking cash-out law, or even know about it. I have attached a copy of the Legislative Analyst's report, and I request that the EIR address the issues it raises.

The Legislative Analyst says that most employers who are subject to the cash-out law do not offer their employees parking cash out, a fringe benefit that is mandated by the law. Even the City of Los Angeles refuses to comply. Many commuters who ride the bus to work could park free if they drove to work, but their employers do not offer them any alternative to free parking. This situation is especially unfair to low-wage workers who ride the bus because they cannot afford a car.

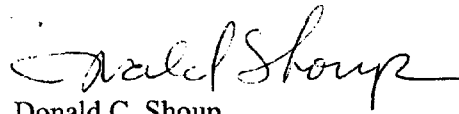
Not all employers are subject to the law, but the Legislative Analyst estimates that 290,000 parking spaces could be subject to the cash-out requirement. Every commuter who is offered the option to park free in one of these parking spaces should be offered the option to take cash instead. I have attached an article which estimates that parking cash out reduces VMT for

commuting to work by 12 percent, and I request that the EIR estimate how much compliance with the cash-out requirement would reduce VMT and vehicle emissions in Southern California.

Employers should not be free to choose whether or not to comply with a sensible ten-year-old law that is intended to reduce traffic congestion, air pollution, and energy consumption. I think it is scandalous that SCAG is either ignorant of the law, or thinks it irrelevant to transportation and air quality plans. ①

In the final EIR, please explain why the RTP and the EIR have chosen to ignore California's parking cash-out requirement. I believe that SCAG has missed a great opportunity to tell employers about the law, and tell them that they must comply. Please let me know SCAG's plans for increasing compliance with California's parking cash-out law.

Sincerely,


Donald C. Shoup

March 19, 2002



A Commuter's Dilemma:

Extra Cash or Free Parking?

ELIZABETH G. HILL • LEGISLATIVE ANALYST

California law requires certain employers who provide free parking to their workers to also offer cash in lieu of the parking. The goal is to provide workers an incentive to use transportation alternatives to driving alone, thereby reducing congestion and improving air quality. Almost ten years after this program was established, the Air Resources Board (which administers the program) has conducted little outreach to make employers aware of the program. Additionally, there are no statewide data on the effectiveness of the program. We recommend that the board (1) conduct outreach to all firms with 50 or more employees and (2) perform periodic surveys to assess the program's effectiveness. ■

AN LAO REPORT

Acknowledgments

This report was prepared by Rebecca Long, under the supervision of Dana Curry. The Legislative Analyst's Office (LAO) is a nonpartisan office which provides fiscal and policy information and advice to the Legislature.

LAO Publications

To request publications call (916) 445-4656. This report and others, as well as an E-mail subscription service, are available on the LAO's Internet site at www.lao.ca.gov. The LAO is located at 925 L Street, Suite 1000, Sacramento, CA 95814.

INTRODUCTION

When considering how to get to work, the availability of free parking can be a key factor that leads one to hop in the car and drive alone to the job. According to the 2000 United States Census, about 86 percent of California commuters drive to work. Approximately 95 percent of those automobile commuters receive free parking. This “free” parking comes at a significant cost to employers who pay for employee parking. A nationwide study conducted on behalf of the federal government estimated the total value of employer-paid parking at \$36 billion annually. In addition to these direct costs paid by employers, employer-paid parking contributes to traffic congestion and air pollution because it serves as an inducement for commuters to drive to work.

Traffic congestion relief strategies tend to fall into two categories—those that focus on reducing demand for driving and those that focus on expanding the supply of roadway. One obvious way to reduce demand for driving is to make drivers more nearly experience the true cost of driving. Proponents of the demand-side approach to congestion relief frequently advocate higher gasoline taxes, road tolls during peak traffic hours, or insurance rates that increase the more one drives. Another option is to increase the cost of parking so that the individual motor-

ist factors this cost into his or her travel decision. Relative to the amount of money spent on gasoline on a single trip, parking can be a much higher share of the total trip cost. As such, changes to parking prices could have a significant impact on the demand for driving.

California’s parking cash-out law seeks to reduce the incentive to drive to work that is created when an employer offers free parking. It does this by mandating that certain employers also offer as an alternative to employees, the cash equivalent of the parking space. While the law by design affects a very limited share of the state’s free parking spaces statewide, it provides an additional tool for the state to reduce commute driving and alleviate congestion and pollution emission.

In this report, we first examine the factors that influence commuting behavior, with an emphasis on how free parking affects commute choices. We then discuss California’s parking cash-out law. In particular, we review the law’s scope, its impact at specific locations, and its potential impact on congestion and air quality. Next, we discuss the factors that have delayed the law’s implementation. Finally, we provide recommendations and options to improve the effectiveness of the parking cash-out law.

WHAT INFLUENCES COMMUTE BEHAVIOR?

Commute Choices Are Driven by Many Factors. A commuter’s decision about how to get to work is influenced by a multitude of factors, as summarized in Figure 1(see next page).

The significance of each of these factors varies depending on the circumstances of the commuter. For example, cost is likely to be a more significant factor for a low-income worker

Figure 1
Factors Affecting Commute Decision

- Commute distance
- Cost and travel time
- Work schedule
- Reliability and convenience of the commute option
- Need for a vehicle during, before, or after work
- Desire for privacy or company
- Environmental concerns
- Desire for comfort/relaxation

than a wealthy one. As a result, increases in gasoline prices or parking rates can be expected to have a greater impact on the commute choices of lower-income commuters than wealthy commuters. For instance, a survey of San Francisco Bay Area commuters conducted in 2000 found that among transit riders and carpoolers, cost was the most commonly cited reason for why they chose their commute mode. Among solo drivers, however, less than 3 percent of respondents identified cost as the primary factor influencing their commute decision. The most common reason that solo drivers gave for why they drive to work is that they have no other option.

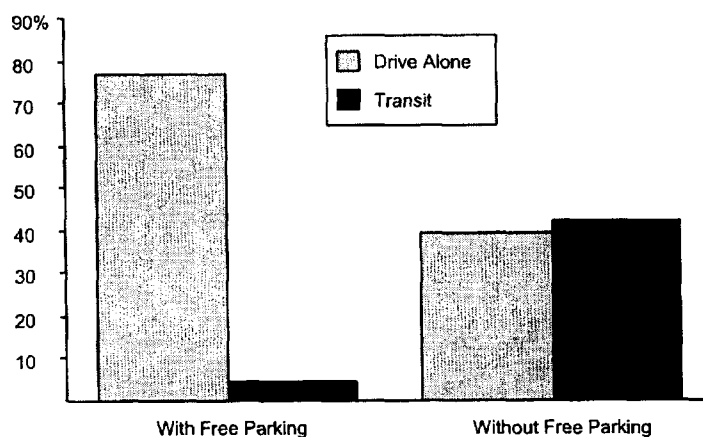
Commuters More Likely to Drive When Parking Is Free. While other factors influence

commute decisions, our review of various research on the topic found that free parking appears to significantly increase the rate of solo driving among commuters. Examining travel behavior at five locations in Los Angeles and Ottawa, Canada, a 1990 study of commute behavior used a case study approach to compare travel behavior among two groups:

- Employees before and after employer-paid parking was eliminated.
- Employees in similar locations with and without employer-paid parking.

The study found that solo driving fell by an average of 41 percent among the five locations when employees had to pay to park. Additionally, the total number of automobiles driven to work fell by between 15 percent to 38 percent when employees had to pay to park.

Figure 2
Bay Area Commute Varies With Availability of Free Parking



Source: "Commuter Profile 2000, A survey of San Francisco Bay Area Commute Patterns", RIDES for Bay Area Commuters, Inc. August 2000.

More recently, the 2000 survey of Bay Area commuters mentioned above found stark differences in travel behavior among commuters with and without access to free parking. Specifically, as shown in Figure 2, the survey found that while 77 percent of commuters drive alone when free parking is available, only 39 percent drive alone when they have to pay to park. Additionally, among commuters with free

parking, only 4.8 percent commute by transit. By contrast, among commuters without free parking, 42 percent commute by transit. While many factors—such as access to reliable transit service and travel time—influence a person’s commute decision, the magnitude of these differences suggests that the presence of free parking plays an important role.

WHY SHOULD EMPLOYER-PAID PARKING BE A POLICY CONCERN?

The decision to provide employees with free or subsidized parking is a business decision designed to attract and retain employees. Yet, when thousands of firms statewide provide free parking, the impact of this decision extends far beyond the confines of that individual business: the provision of free parking by thousands of employers encourages millions of commuters to drive alone to work who might otherwise choose an alternative mode of travel. The increased number of vehicle-trips made by these commuters results in greater congestion and higher levels of air pollution statewide. Hence, free parking is one factor that works counter to other policy efforts to reduce congestion and vehicle emissions.

Free Parking Reduces Benefits of Transit and Carpool Lane Investments. The state invests hundreds of millions of dollars annually in transportation infrastructure that is designed to induce people out of single-occupancy vehicles and onto other modes of travel. New carpool lanes, more frequent bus and train service, and new bicycle lanes are all underway

statewide. Indeed, the Traffic Congestion Relief Program, enacted in 2000, directed the vast majority of funds in the program (about \$4 billion out of a total of \$4.9 billion) towards new transit and carpool lane infrastructure, as opposed to highway expansion. While these projects will likely attract some commuters out of their vehicles, the wide availability of free parking will continue to encourage many commuters to drive to work alone. As a result, the congestion relief and air quality benefits of investment in alternative modes may not achieve their full potential.

Parking Cash-Out Seeks to Level Playing Field Between Driving and Other Modes. By offering free or subsidized parking and no other commute benefit (such as a transit subsidy), an employer rewards employees who drive but not employees who use alternative means to get to work. This is because the employee only benefits from the parking subsidy if he or she drives. Parking cash-out is one approach that seeks to mitigate the incentive to drive that is created by free parking. Under parking cash-out, an em-

ployer offers workers the option of giving up their employer-subsidized parking space in exchange for its equivalent cash value. For example, if an employer currently pays \$70 per month to lease a parking space for each employee, under a parking cash-out program the employer would also offer the choice of \$70 to employees who choose to give up their parking

space. By offering employees cash in lieu of the subsidized parking space, parking cash-out reveals the opportunity cost of the "free" parking, and allows the commuter to make a choice as to how to spend the money. By providing parking cash-out, the employee is rewarded equally, whether he or she walks, bikes, takes transit, carools, or drives alone to work.

CALIFORNIA'S PARKING CASH-OUT LAW

Since 1992, California law has mandated that certain employers offer parking cash-out. Specifically, Chapter 554, Statutes of 1992 (AB 2109, Katz), requires that employers who offer free or subsidized parking also offer a cash allowance equivalent to the subsidy in lieu of a parking space. Employers must offer employees the option of cashing out their parking space, but employees are not required to participate. The law applies only to employers, in both the public and private sector, who meet five criteria, as shown in Figure 3.

Multiple Options for Compliance. Employers who are subject to the parking cash-out law have a variety of options for compliance. For

instance, an employer can comply with the law by offering any one of the following:

- No parking subsidy.
- A parking subsidy *only* for carools.
- A transit voucher.
- Cash that can be spent on *any* commuting option.
- The choice between free (or subsidized) parking and its cash equivalent or more.

California's parking cash-out law has existed for almost ten years. In the following sections, we review the scope of the law in terms of the number of employers and employees affected,

highlight findings regarding the law's impact on commute travel from existing research as well as our own interviews with firms and municipalities that have implemented the law, and discuss the law's potential impact on congestion and air quality were it to be fully implemented.

Figure 3
A Firm Must Comply With California's Parking Cash-Out Law If It:

- Employs at least 50 persons, regardless of how many work sites.
- Is located in an air basin designated nonattainment for any state air quality standard; (practically speaking, this means every county in the state except Lake County).
- Provides free or subsidizes employee parking on leased spaces.
- Can calculate the out-of-pocket expense of the parking subsidy; that is, the parking is leased separately from the building.
- Can reduce the number of leased parking spaces without financial penalty.

CALIFORNIA'S PARKING CASH-OUT LAW IN PRACTICE

Limited Information Available on Law's Implementation. Data on California's parking cash-out program are quite limited. For instance, there are no aggregate, statewide data on how the program has been implemented. This is because the law contains no requirements or funding for program monitoring. As a result, no statewide data have been collected and it is impossible to answer such basic questions as:

- How many firms are currently offering parking cash-out?
- How many employees are participating in parking cash-out?

Nevertheless, national and regional data do exist that can be used to provide a rough estimate of the number of employers subject to the law, as well as the number of employees that are likely to participate in a parking cash-out program.

Very Few Parking Spaces Are Subject to Law. Since most employees who drive to work receive free parking in California, one might

expect that the impact of the parking cash-out law on vehicle travel and emissions would be substantial. However, the criteria that determine whether a firm is subject to the parking cash-out law significantly limit the number of parking spaces that are affected.

The main reason for this is that the vast majority (about 84 percent) of free parking provided by employers is owned rather than leased, and is therefore exempt from the law. Additionally, of the free, employer-paid parking that is leased, most is leased by smaller employers with less than 50 employees, and thus is also exempt from the law.

Based on research related to the type of parking offered by large employers, we estimate that about 290,000 free parking spaces would be subject to California's parking cash-out law. This constitutes only about 3 percent of an estimated 11 million free parking spaces provided by employers statewide.

IMPACT OF PARKING CASH-OUT ON TRAVEL PATTERNS

In order to determine the extent to which the parking cash-out law reduces congestion and vehicle emissions, one has to examine how cash-out affects employees' travel behavior. Because there are no aggregate data on the impact of cash-out in California on commute behavior, our analysis relies primarily upon studies of several firms located in Los Angeles. In

addition, we followed up with interviews of some of the firms included in these studies, as well as several other employers operating parking cash-out programs. Overall, the research suggests that among firms that implement parking cash-out, the program significantly reduces solo driving among employees.

CHANGES IN TRAVEL BEHAVIOR SIGNIFICANT OVERALL; BUT VARY AMONG FIRMS

A 1997 report conducted for the Air Resources Board (ARB) examined the impact of California's parking cash-out law on commute behavior of employees at eight firms located in Southern California. The study compared travel behavior based on employee surveys among all employees at each firm before and after parking cash-out was implemented. (The "before" year was the year before implementation, while the "after" year varied among employers from one, two, to three years after implementation.) Two of the firms are located in downtown Los Angeles, three are located in a high-density regional employment center in West Los Angeles (Century City), two are located in Santa Monica, and one is located in West Hollywood. One of the firms was a government agency, while the other seven were private firms, including three law firms, one accounting firm, one bank, one managed-care medical provider, and one video post-production company. The firms ranged in size from 120 to 300 employees, with a total of 1,694 employees. The cost of parking ranged from \$36 to \$165 per month.

The firms adopted a variety of approaches to implementing parking cash-out. For instance, one eliminated its

parking subsidy of \$110 per month and, instead, paid all employees who do not drive to work alone a subsidy of \$55 a month. Several others chose to offer employees the cash equivalent or more of the parking subsidy.

The study examined how the drive-alone rate changed at each firm after the implementation of cash-out, as shown in Figure 4. Specifically, the change in drive-alone rates varied rather substantially among the firms studied, ranging from a reduction in the drive-alone rate of 2 percent to a high of 22 percent. The study also averaged the outcomes at each firm (weighted by the number of employees in each firm) and found that after parking cash-out was implemented:

- Solo driving dropped 17 percent: from 76 percent to 63 percent of employees.
- Carpooling increased by 64 percent: from 14 percent to 23 percent of employees.

Figure 4
Change in Drive-Alone Rate
After Implementation of Parking Cash-Out^a

Firm Location	Before	After	Change
Downtown Los Angeles	75%	53%	-22%
Downtown Los Angeles	61	45	-16
Century City	71	58	-13
Century City	88	76	-12
Century City	79	67	-12
Santa Monica	83	75	-8
Santa Monica	85	78	-7
West Hollywood	72	70	-2
Weighted Average	76%	63%	-13%

^a Source: Shoup, Donald C., "Evaluating the Effects of Cashing Out Employer-Paid Parking: Eight Case Studies," *Transport Policy*, Vol. 4, No. 4, pp. 201-216, 1997.

- Transit use rose by 50 percent: from 6 percent to 9 percent of employees.
- Combined bicycling and walking rose one-third: from 3 percent to 4 percent of employees.
- Vehicle miles traveled fell by approximately 12 percent per employee per year—equivalent to removing one out of eight cars driven to work.
- Vehicle emissions were also estimated to have fallen by 12 percent per employee per year.

While other factors, such as the availability of new carpool lanes or new transit service, might account for the significant changes in travel patterns that occurred, the study found that regional trends ran counter to the trends observed at these firms. For instance, the solo driver share in Southern California ranged between 77 percent to 80 percent during the time period studied, significantly higher than the average of 63 percent that was observed at the firms after implementing parking cash-out.

MANY FACTORS AFFECT IMPACT OF CASH-OUT LAW

Based on our interviews with employers, including several covered in the 1997 report as well as in other research studies, we found that employee participation in the parking cash-out law is affected by a number of factors. These factors include the size of the cash subsidy, the location and type of business, proximity to transit and homes, as well as the role of local government in promoting alternative transportation modes to achieve air quality standards.

High Cash Subsidy and Downtown Location Contribute to High Participation Rates.

One downtown Santa Monica employer that we interviewed, a financial services company with 268 employees, offers free parking spaces for all employees at a cost of \$138 per month per space. Since May 2000, the firm has also offered employees \$200 per month in cash (an amount substantially more than required by law) in lieu of the parking space. Prior to implementation of parking cash-out, about 91 percent of employees drove alone to work. As of August 2001, 35 percent of employees had cashed out their parking spaces, dropping the drive-alone rate to 56 percent. In general, the employees who have cashed-out their parking spaces have other commute alternatives, including transit and carpooling, in part because of the firm's location. Of those who cashed out, 37 percent carpooled, 32 percent walked, 16 percent took transit, and the remainder used vanpool, bicycled, or some other commute mode.

Work-Home Proximity Results in Some Employees Walking Instead of Driving.

In addition, we interviewed the City of West Hollywood, one of the employers included in the 1997 report conducted on behalf of the ARB. With a current staff of 170, West Hollywood has offered parking cash-out for the last ten years at a current rate of \$65 per month. Participation in the program has remained stable over time, increasing from about 17 percent in 1991 to 20 percent today. About half of those participating in the program walk to work, while the remainder commute via transit, bicycle, or carpool. Obviously, workers are able to walk to work because of the relative proximity of the work location to their homes.

High-Paid Employees With Irregular Schedules Not Easily Swayed by Cash Incentive. By contrast, another of the employers included in the 1997 report has very low participation in its parking cash-out program. The employer is a large law firm located in Century City with 270 employees. Currently, only 5 percent of the firm's employees exercise the cash-out option despite a relatively high cash-out value of \$157 per month. The firm attributed the low participation to a combination of factors, including

irregular work hours, the desire for a vehicle during the workday, lack of convenient transit service, and the relatively high compensation of the staff, half of whom are attorneys.

Low Cash Subsidy, Poor Transit Service Contribute to Low Participation Rates. Similarly, at another firm's two downtown Glendale offices, each of which house about 550 employees, less than 1 percent participate in the parking cash-out program in one building while about 4 percent of employees participate in

CONGESTION AND AIR QUALITY IMPACT

How Does Parking Cash-Out Affect Congestion? There are no aggregate data on the number of employees currently exercising the cash-out option, as well as their preferred commute mode to and from work. However, using the estimates on the number of parking spaces likely to be subject to the law and assuming participation rates, we can estimate for illustration purposes the potential reduction in the amount of miles driven.

As discussed above, we estimate that approximately 290,000 parking spaces could be subject to California's parking cash-out requirement. If 15 percent of employees (the midpoint of the estimated percent of employees who participate in parking cash-out programs) were to cash out their parking and commute by an alternative to solo driving, this would be the equivalent of eliminating 43,500 trips each workday. Regional data for urban areas (including the Los Angeles region, San Francisco Bay Area, and San Diego) indicate that Californians commute about 30 miles round-trip to work and back each day. (Nationally, the average round-trip to and from work is about 22 miles.) Because employees who commute further distances are less likely to cash out their parking space and commute by an alternate mode, we chose to use a range of 10 to 20 miles round-trip to estimate the impact on vehicle miles traveled (VMT). Based on these assumptions, parking cash-out is estimated to reduce VMT in California by 435,000 to 870,000 miles per day or between 113 million to 226 million miles per year. This estimated reduction is equivalent to reducing annual weekday VMT (about 116 billion miles) by about 0.1 percent to 0.2 percent. While this might seem like a negligible reduction, it is about a 5.5 percent to 11 percent reduction in the 2 billion miles by which weekday VMT grows each year.

How Does Parking Cash-Out Affect Emissions? To the extent that parking cash-out reduces vehicle trips, it also reduces vehicle emissions. According to the ARB's most recent modeling data, each commute trip eliminated (assuming a statewide average of 18 miles

another. The firm's staff attribute the low participation to unpredictable work schedules and the high cost of parking on a daily basis. The cash value of the subsidy was approximately \$30 after taxes, not a great incentive considering the risk of needing to drive on occasion and having to pay a parking rate of \$10 per day.

City of Santa Monica Has Taken an Active Role in Parking Cash-Out. Since 1996, the City of Santa Monica has required that all employers subject to the state's parking cash-out law

include parking cash-out as a provision in their Emission Reduction Plan, required by the South Coast Air Quality Management District. In this manner, Santa Monica acts as the state's agent to enforce the parking cash-out law. In 1998, the city conducted a survey of how parking cash-out was being implemented. The survey found that about one-third of employers with 100 or more employees, and 10 percent of employers with 50 to 99 employees in Santa Monica were operating a parking cash-out

CONGESTION AND AIR QUALITY IMPACT *(continued)*

round-trip) results in a 40.6 gram reduction in smog-forming pollutants in 2001 (this includes reactive organic gases or ROG, and nitrogen oxides or NOx). The air quality benefits of trip reduction are projected to decline over time due to the vehicle fleet becoming cleaner. Thus, by 2010, each reduced trip is projected to reduce emissions by only 15.8 grams per trip. Based on these assumptions, a reduction of 43,500 trips per day would reduce emissions by almost 2 tons per day based on 2001 emission levels and 0.8 tons per day based on 2010 projected emission levels.

To put this in context, the estimated total smog-forming pollutants emitted in 2000 in the South Coast District was 1,853 tons per day (about 30 percent stationary sources and 70 percent mobile sources). To comply with federal air quality standards, emissions must be reduced almost 50 percent to 943 tons per day in 2010. Other measures that are currently in effect to help achieve this reduction goal include:

- A South Coast Air Quality Management District mandate that requires employers with 250 employees or more in the district to reduce employee vehicle trips; this measure is projected to reduce emissions by 8.5 tons per day in 2010.
- The ARB's Low Emission Vehicle Program which is projected to reduce emissions by more than 60 tons per day in 2010.
- On-road motorcycle standards which are projected to reduce emissions by 0.5 tons per day in 2010.

While the impact of the parking cash-out program on air emissions may not be large, it nonetheless provides an additional tool to the state's efforts to reduce air pollution.

tion, it is under the jurisdiction of the ARB. However, the law does not require the ARB to conduct any outreach or monitoring of the program. Thus far, the ARB has relied on only one employee, who has a number of other responsibilities in addition to the parking cash-out program, to implement the law. Thus, the law has resulted in only negligible costs to the state.

Program Results in Minor State and Federal Tax Revenues. If an employee chooses to cash out his/her employer-paid parking, tax revenues increase at both the state and federal level. This is because whereas employer-paid parking is tax-

exempt, the cash is taxable. While it is not possible to estimate the tax receipts that the state has accrued since the law's implementation, we can estimate the revenues that could be generated per commuter who exercises the cash-out option assuming an average monthly cash-out rate of \$60 per month. Based on the average federal personal income tax and payroll tax rates, we estimate that each parking space cashed out would generate an additional \$258 per year in federal tax revenues and about \$50 in revenues at the state level.

IMPLEMENTATION AND ENFORCEMENT CHALLENGES

Although the parking cash-out program is limited in scope and costs relatively little to implement, our review shows that the implementation of the program has been slow. Additionally, outreach efforts have been limited such that it is not clear all affected employers are aware of the statutory requirements. This limits the potential impact of the law.

Federal Tax Law Delayed Compliance. At the time that parking cash-out became law in California, federal tax law created a significant disincentive to comply with its provisions. Specifically, federal law held that if an employer were to offer cash in lieu of free parking, the free parking would lose its tax-exempt status for employers. That is, regardless of whether an employee chose to cash out his or her free parking, by offering the cash-out option, the employer and the employee would be required to pay payroll and income taxes on the value of

the free parking. In 1997, the disincentive was eliminated when federal law was changed to allow employers to offer cash in lieu of a tax-exempt transportation fringe benefit without incurring any tax liability for the free parking they offer. (As discussed above, an employee receiving cash in lieu of free parking would have to pay taxes on the cash received.)

Outreach Efforts Have Been Minimal. As mentioned, the ARB is responsible for administering the parking cash-out law. However, the law does not require that ARB conduct any type of outreach or monitoring. Such activities are entirely at the discretion of ARB and have not been funded. Additionally, the law contains no reporting requirements for employers, making it virtually impossible for ARB to assess or monitor compliance.

To date, ARB has published and made available on its Web site a ten-page guide to the

parking cash-out law. The guide explains who is subject to the law and provides a detailed explanation for how to implement a parking cash-out program. However, ARB did not finalize its guide to employers until February 2001, nine years after the law was enacted. Prior to that, the department distributed between 2,000 to 3,000 copies of draft versions of the guides at

various conferences attended by employers who are actively involved in providing employee commute benefits. This constitutes about 6 percent of all firms with 50 or more employees statewide. Without a systematic outreach to all employers with 50 or more employees, it is very likely that some employers who are subject to the law may not even be aware of it.

HOW CAN THE PARKING CASH-OUT LAW BE IMPROVED?

Greater Outreach and Program Monitoring Needed. In order to maximize the potential congestion relief and air quality benefits of California's parking cash-out law, there should be greater outreach to all firms with 50 or more employees to make sure that they are aware of the law's requirement. One approach for conducting this outreach would be for ARB to enter into a cooperative agreement with the Employment Development Department (EDD) to provide employers information regarding the cash-out program. This would take advantage of the fact that the EDD has the most thorough and current database on employers statewide and handles 8 million pieces of mail annually. Additionally, EDD has experience working with other agencies in this manner. For instance, the EDD mailed out the census forms for California and conducted outreach to employers on behalf of the Department of Industrial Relations related to minimum wage violations. As part of its overall employer outreach activities, the EDD could distribute materials regarding the parking cash-out law via the mail as well as via EDD's Web site. The ARB would be responsible for the

content of the information provided. Outreach via the mail would have marginal cost. Based on EDD information, we estimate that it would cost about \$25,000 per mailing to reach employers that are subject to the parking cash-out law.

In addition to outreach, there is also a need for program monitoring on a periodic basis to determine how the program is being implemented as well as the extent of its effectiveness. Accordingly, we recommend that the ARB conduct periodic surveys of samples of employers (in EDD's employer database) in order to assess the program's effectiveness in terms of the reduction in commute solo-driving and air emissions. Based on its review, the ARB should also make recommendations on how the program's effectiveness could be improved. We think that developing the outreach material and conducting the periodic surveys would result in a negligible increase in ARB's workload of less than one staff position.

Should the Law Be Restricted to Certain Areas? Currently, the parking cash-out requirement applies to all employers who fit the profile listed in Figure 3, which could potentially in-

clude a rural or suburban employer located in an area where low-cost parking is plentiful and transit service is inadequate. If ARB finds, based on employer surveys, that employees are much less likely to exercise the parking cash-out option in such areas, the Legislature may want to consider limiting the law's scope to the locations where it is likely to have the greatest impact, such as urban areas where parking is more costly and transit service is more reliable. One option would be to limit the law to employers located in urbanized areas with a population exceeding 50,000. Alternatively, the Legislature could amend the law to make it only applicable in areas where the market cost of parking exceeds \$50 per month, indexed to inflation. Such a restriction would target urbanized areas where parking is in high demand, and thus, transit service is more likely to be available. Additionally, it would limit the requirement to those employers who are most likely to have employees accept the parking cash-out option given the higher amount of the cash subsidy.

Should the Parking Cash-Out Requirement Be Expanded to Smaller Firms? Given more data and assessment of the current program's effectiveness, the Legislature can also determine whether it is desirable to expand the program to smaller firms with fewer than 50 employees in order to increase the program's overall impact. If the law were broadened to include all firms statewide, we estimate that an additional 334,000 employees could be offered the cash-out option. This would more than double the number of employees affected by the law.

While the threshold of 50 or more employees might be appropriate in order to minimize administrative burden on businesses, interviews with employers who have implemented parking cash-out indicate that it is relatively simple to administer. Indeed, providing employees with additional funds in their paycheck may be less burdensome than leasing and managing employee parking spaces. However, the ease of administering the program partly depends on the technology available to the employer; for firms that have not automated their payroll systems, it will be more time-consuming and thus result in higher costs.

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policy. (The majority of those who were not operating a parking cash-out program were not subject to the law.) The survey further found that 20 percent of employees who were given the option chose to participate in parking cash-out by giving up their parking space and ridesharing to work.

Summary. The above examples illustrate that employee participation in parking cash-out varies greatly by the type of business, its location and distance from employees' homes,

transit access, and the amount of the subsidy. While over 30 percent of employees participate in parking cash-out at one location, less than 1 percent participate elsewhere. Keeping in mind that no two firms are identical in terms of the factors that are likely to influence how employees respond to the cash-out option, it appears that employers can expect from 10 percent to 20 percent of employees to participate in parking cash-out programs.

FISCAL IMPACT OF LAW

Cost to Employers Depends on How Cash-Out Program Is Implemented. California's parking cash-out law is intended to impose minimal costs on employers. Indeed, if an employer can demonstrate that it cannot implement parking cash-out "without (financial) penalty" then it is not subject to the law. However, depending on how employers comply with the law, parking cash-out can either save employers money or impose additional costs. For instance, employers can comply with the law by simply eliminating their parking subsidy altogether, thereby saving the money formerly used to offer free or subsidized parking. Alternatively, employers could eliminate free parking and provide staff with a transit voucher instead. Current federal law allows employers to provide workers with up to \$100 in transit subsidies that are not subject to federal payroll taxes or income taxes.

For employers who choose to offer a cash allowance equivalent to the cost of offering free parking, the law does result in some additional costs in the form of federal payroll taxes (includ-

ing Social Security, Medicare, and Unemployment Insurance) of 8.45 percent paid on the cash payment for those employees who exercise the option. (California employers and employees are not subject to state-level payroll taxes on the additional cash, including unemployment insurance and employment training tax, because state law does not consider the cash-out payment as "wages." However, state law, as with federal law, does count the additional cash as part of gross income subject to the income tax.) These tax expenses can be somewhat mitigated as they are considered business expenses eligible for tax deductions. Typically, business tax deductions reduce the cost of the program by approximately 40 percent. Thus, if an employer offers a \$60 cash allowance, the employer must pay about \$5 per month in payroll taxes, \$2 of which are deductible, resulting in a net cost of \$3 per month, or 5 percent of the cost of the cash subsidy.

Cost to State Government Has Been Negligible. Because a primary objective of the parking cash-out law is vehicle emission reduc-